

**STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

ORDER NO. R8-2009-0033
NPDES NO. CAS 618033

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND
WASTE DISCHARGE REQUIREMENTS FOR
THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT, THE COUNTY OF RIVERSIDE, AND THE INCORPORATED CITIES OF
RIVERSIDE COUNTY WITHIN THE SANTA ANA REGION**

AREA-WIDE URBAN RUNOFF MANAGEMENT PROGRAM

The following Discharger(s) are subject to waste discharge requirements as set forth in this Order:

Table 1. Municipal Permittees (Dischargers)

Principal Permittee	Riverside County Flood Control and Water Conservation District (RCFC&WCD)*	
Co-Permittees	1. Beaumont	9.. Moreno Valley
	2. Calimesa	10. Murrieta
	3. Canyon Lake	11. Norco
	4. Corona	12. Perris
	5. County of Riverside (County)	13. Riverside
	6. Hemet	14. San Jacinto
	7. Lake Elsinore	15. Wildomar
	8. Menifee	

The Principal Permittee and the Co-Permittees are collectively referred to as the Permittees or the Dischargers.

Table 2. - Administrative Information

This Order was adopted by the Regional Water Board on:	December 10, 2009
This Order will become effective on:	December 10, 2009
This Order will expire on:	December 1, 2014
The U.S. Environmental Protection Agency (USEPA) and the California Regional Water Quality Control Board have classified this discharge as a major discharge.	
The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than 180 days in advance of the Order expiration date.	

Second Draft, October 22, 2009

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IT IS HEREBY ORDERED, that this Order supersedes Order No. R8-2002-0011 except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted there under, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted there under, the Permittees must comply with the requirements in this Order.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that this Order No. R8-2009-0033 with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on December 10, 2009.

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Gerard J. Thibeault, Executive Officer

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I. FACILITY INFORMATION

A. Each of the municipalities listed in Table 1, above, hereinafter called Permittees, owns and/or operates portions of the municipal separate storm sewer system (MS4¹), through which Urban Runoff¹ is discharged into Waters of the United States (Waters of the U.S.) that are located within the jurisdiction of the Santa Ana Regional Water Quality Control Board (Santa Ana Region). The MS4 falls into one or more of the following categories: (1) a medium or large MS4 that services a population of greater than 100,000 or 250,000 respectively; or (2) an MS4 which contributes to a violation of a Water Quality Standard; or (3) an MS4 which is a significant contributor of Pollutants to Waters of the U. S.; or (4) an MS4 owned and/or operated by a small municipality that is interrelated to a medium or large municipality. Section 402(p) of the CWA requires that discharges of Urban Runoff from MS4 be regulated under a National Pollutant Discharge Elimination System (NPDES) permit.

B. This Order regulates the discharge of Pollutants (as defined in Appendix 4, Glossary) in Urban Runoff from anthropogenic (generated from non-agricultural human activities) sources from the MS4 that is owned and/or operated by the Permittees. The Permittees lack legal jurisdiction over discharges into their MS4 facilities from agricultural activities, State and federal facilities, public schools and hospitals, utilities, railroads, and special districts, Native American tribal lands, wastewater management agencies and other point and non-point source discharges otherwise permitted by the Regional Board. The Regional Board recognizes that the Permittees should not be held responsible for discharges from such facilities or Pollutants in those discharges. However, to the extent that the Permittees authorize the connection of these discharges into their MS4, this Order requires the Permittees to provide written notification of WQMP requirements for post-construction BMPs and/or other applicable requirements of this Order. A WQMP approved by the Permittee who owns the MS4 constitutes compliance with the General Construction Permit post construction requirements² for the Permit Area.

C. The Co-Permittees have established legal authority to control discharges into the MS4 facilities that they own and/or operate. As owners and/or operators of the MS4, the Permittees are responsible for discharges into their MS4 facilities to the extent of their legal authority. The discharge of Pollutants into the MS4 may cause or contribute to, or threaten to cause or contribute to, a condition of Pollution in Receiving Waters.

¹ See Appendix 4.

² The State General Construction Permit Section XIII

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Federal regulations, 40 CFR 122.26(d)(2)(i), require the Permittees to control the discharge of Pollutants into the MS4 to the maximum extent practicable (MEP, see Appendix 4). Certain activities and sources that generate Pollutants present in Urban Runoff may be beyond the ability of Permittees to prevent or eliminate. Examples of these activities and sources include, but are not limited to: emissions from internal combustion engines, brake pad wear and tear, atmospheric deposition, bacteria and wildlife (including feral cats and dogs) and leaching of naturally occurring nutrients and minerals from local soils. This Order is not intended to address background or naturally occurring Pollutants or flows.

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D. The Permittees have identified major Outfalls (Outfalls, with a pipe diameter of 36 inches or greater or drainage areas draining 50 acres or more) and have submitted maps of existing MS4 facilities. The Co-Permittees reported having approximately 269 miles of underground storm drains, and 95 miles of channels³. The RCFC&WCD reported having 75 miles in underground storm drains and 59 miles of channels in the Permit Area.

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E. On February 5, 2008 Wildomar residents voted for cityhood and the city incorporated on July 1, 2008. Menifee residents voted for cityhood on June 3, 2008 and the city incorporated on October 1, 2008. Both cities in letters dated May 5 and May 6, 2009, respectively, have expressed their intent to be a Co-Permittee in this Order and for the purposes of this Order shall be considered as such. Urban Runoff from the cities of Menifee, Murrieta and Wildomar discharges into watersheds within the Santa Ana Regional Board and the San Diego Regional Board jurisdictions. Therefore, these cities are regulated by MS4 permits issued by both Regional Boards. Urban Runoff from the County of Riverside and RCFC&WCD discharge into watersheds within the Santa Ana, San Diego and Colorado River Region Regional Board jurisdictions. Therefore, these entities are regulated by MS4 permits issued by three Regional Boards.

F. The Permit Area contains 1,396 square miles or 19.1% of the 7,300 square miles within Riverside County and includes 15 of the 26 municipalities within Riverside County. The more densely populated areas of Riverside County are located within the Santa Ana Regional Board's jurisdiction. The population of the Permit Area was estimated at 1,232,979 as of January 1, 2006⁴. The California Department of Finance estimates that as of January 1, 2009, the population of Riverside County was 2,107,653⁵. Other portions of Riverside County are regulated by the San Diego and the Colorado River Basin Regional Boards.

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³ Section 3.6.1 of the 2007 ROWD.

⁴ Section 3.3.1 of the 2007 ROWD (Western Riverside Council of Governments (WRCOG), Sub-regional Growth Forecast, Riverside County Projection (Revised Draft), November 22, 2006.)

⁵ E-1 report dated April 30, 2009 (http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/2008-09/documents/E-1_2009%20Press%20Release.pdf).

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II. FINDINGS

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter the "Regional Board") finds that:

A. BACKGROUND

1. The Co-Permittees own and operate flood control facilities. Some of the natural channels, streambeds and other drainage facilities that are generally considered as Waters of the U.S. have been converted to flood control facilities. In such cases, where a natural streambed is modified to convey storm water flows, the conveyance system becomes both a MS4 and a Water of the U. S.
2. The Permittees are currently discharging from the MS4 pursuant to Order No. R8-2002-0011, NPDES Permit No. CAS 618033. This Order renews Order No. R8-2002-0011 and regulates discharges of Urban Runoff from the MS4 within Riverside County.
3. On April 27, 2007, the Riverside County Flood Control and Water Conservation District (hereinafter referred to as "RCFC&WCD" or "Principal Permittee"), in cooperation with the County of Riverside, (the "County") and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, and San Jacinto, jointly submitted a permit renewal application, a Report of Waste Discharge (the "2007 ROWD"), to renew the NPDES permit for discharges of Urban Runoff from the MS4 in the Permit Area. Subsequently, the cities of Menifee and Wildomar also signed letters of intent to include discharges from their MS4 facilities, under this MS4 Permit. The County and incorporated cities are hereinafter the "Co-Permittees", and collectively with the Principal Permittee referred to as the "Permittees". The Permit Area (as defined in Appendix 4, Glossary), is shown in Appendix 1 and includes the urban areas and those portions of agriculture and open space as shown on Appendix 1 that may convert to industrial, commercial, or residential use during the term of this Order.
4. To more effectively carry out the requirements of this Order, the Permittees have agreed that the RCFC&WCD will continue as the Principal Permittee and the County and the incorporated cities within the Permit Area will continue as the Co-Permittees.
5. The Permittees submitted a revised Drainage Area Management Plan ("2007 DAMP" as defined in Appendix 4, Glossary) as contained in Appendix B of the 2007 ROWD. The proposed DAMP identifies programs and policies, including best management practices (BMPs as defined in Appendix 4, Glossary), to achieve Water Quality Standards in the Receiving Waters. These BMPs can be organized into two categories: BMPs for existing facilities and BMPs for New

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Development and Significant Redevelopment. Both categories include regulatory activities, public education programs, waste management, and operations and maintenance activities. The Permittees currently implement the 2006 DAMP. With the adoption of this Order, the Permittees are required to implement the 2007 DAMP. The DAMP is a dynamic document that defines the MEP standard (see discussion of this term in the Glossary, Appendix 4) for the Permittee activities and is incorporated by reference as an enforceable element of this Order.

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6. This Order requires the Permittees to revise the DAMP and associated documents to incorporate new MS4 Permit requirements which include recommendations from the 2007 ROWD. Future modifications of the DAMP, once approved by the Regional Board Executive Officer⁶, are also enforceable elements of this Order.

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7. During the Third Term Permit, Regional Board staff conducted an evaluation of each of the Permittees' Urban Runoff programs. This evaluation indicated that most of the Permittees lacked proper documentation of procedures and policies for implementation of various elements of their Urban Runoff program. This Order requires each Permittee to develop a Local Implementation Plan (LIP as defined in Appendix 4, Glossary) that documents its internal procedures for implementation of the various program elements described in the DAMP and this Order.

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8. On July 13, 1990, the Regional Board adopted the first term Riverside County MS4 permit, Order No. 90-104 (NPDES No. CA 8000192). On March 8, 1996, the Regional Board renewed Order No. 90-104 by adopting the second term Riverside County MS4 permit, Order No. 96-30 (NPDES No. CAS618033). On October 25, 2002, the Regional Board renewed Order No. 96-30 by adopting the third term MS4 permit, Order No. R8-2002-0011(NPDES No. CAS618033).

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9. This Order renews Order No. R8-2002-0011 (NPDES No. CAS618033), and regulates discharges of Urban Runoff from the MS4 within the Permit Area in Riverside County. This Order is the fourth term permit and is intended to regulate the discharge of Pollutants in Urban Runoff from non-agricultural Anthropogenic (as defined in Appendix 4, Glossary) activities and sources under the jurisdiction of and/or maintenance responsibility of the Permittees and is not intended to address background or naturally occurring Pollutants or flows.

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⁶ The Executive Officer shall provide members of the public with notice and at least a 30-day comment opportunity for all documents submitted in accordance with this Order. If the Executive Officer, after considering timely submitted comments, concludes that the document is adequate or adequate with specified changes, the Executive Officer may approve the document or present it to the Board for its consideration at a regularly scheduled and noticed meeting. If there are significant issues that cannot be resolved by the Executive Officer, the document will be presented to the Board for its consideration at a regularly scheduled meeting.

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10. The Santa Ana River Basin is the major watershed within the Santa Ana Region. The Regional Board and the Permittees recognize the importance of watershed management initiatives and regional planning and coordination in the development and implementation of programs and policies related to water quality protection.
11. It is recognized that in some cases MS4 are used to convey Urban Runoff to sub-regional or regional treatment BMPs or may incorporate regional BMPs directly. The Regional Board recognizes this appropriate strategy for treatment provided that Waters of the U.S. are not used to convey Pollutants. Further, such BMPs are not considered MS4 or Waters of the U.S.
12. A number of regional and watershed-wide efforts are underway in which the Permittees are active participants. The Regional Board also recognizes that, in certain cases, diversion of funds targeted for certain monitoring programs to regional monitoring programs may be necessary. The Executive Officer is authorized to approve, after proper public notification and consideration of all comments received, reallocation of resources to the watershed management initiatives and regional planning and coordination programs and regional monitoring programs.
13. The Permittees are required to submit all documents, where appropriate, to the Regional Board in an electronic format. All such documents will be posted at the Regional Board's website and all interested parties will be notified. In addition, the website will include the administrative and civil procedures for appealing any decision made by the Executive Officer. Some Urban Runoff issues, such as monitoring, public education, and training can be more effectively addressed on a regional or statewide basis thereby increasing program consistency and efficiency. This Order encourages continued participation in such programs and policies.

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B. LEGAL AUTHORITIES

1. This Order Is issued pursuant to Section 402 of the federal Clean Water Act, the Porter-Cologne Water Quality Control Act (Division 7 of the Water Code, commencing with Section 13000), applicable State and federal regulations, all applicable provisions of statewide Water Quality Control Plans and Policies adopted by the State Water Resources Control Board (State Board), the Water Quality Control Plan for the Santa Ana River Basin adopted by the Regional Board (Basin Plan), the California Toxics Rule (CTR), and the California Toxics Rule Implementation Plan. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4, Division 7 of the Water Code (commencing with Section 13260).
2. This Order is consistent with the following precedential Orders adopted by the State Board addressing municipal storm water NPDES Permits: Order 99-05-DWQ (Petition of Environmental Health Coalition/Receiving Water Limitation

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Language for Municipal Storm Water Permits), Order WQ-2000-11 (Petitions Bellflower, City of Arcadia, Western States Petroleum Association, Review of RWQCB and Its Executive Officer Pursuant to Order 96-054, Permit for Municipal Storm Water and Urban Run-Off Discharges within Los Angeles County), Order WQ 2001-15 (In the Matter of the Petitions of Building Industry Association of San Diego County and Western States Petroleum Association), and Order WQO 2002-0014 (Petitions of Aliso Viejo, et al/Order to stay provision F.5.f of the permit and part of last sentence of Finding 26, permit issued by San Diego Regional Board).

3. Consistent with the State Board's orders, this Order requires the Permittees to comply with the applicable Water Quality Standards, which is to be achieved through an iterative approach requiring the implementation of increasingly more effective BMPs until Water Quality Standards are not impaired by Urban Runoff. All MS4 permits issued in California specify certain minimum control measures and incorporate an iterative process that requires increasingly more effective control measures if the Water Quality Standards are not met.

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4. The federal Clean Water Act established a national policy designed to help maintain and restore the physical, chemical and biological integrity of the nation's waters. In 1972, the CWA established the NPDES permit program to regulate the discharge of Pollutants from "point sources" to waters of the nation or Waters of the U.S. (the Receiving Waters, and as defined in Appendix 4, Glossary). From 1972 to 1987, the main focus of the NPDES program was to regulate conventional Pollutant sources such as sewage treatment plants and industrial facilities. As a result, on a nationwide basis, non-point sources, including agricultural runoff and Urban Runoff, now contribute a larger portion of many kinds of Pollutants than the more thoroughly regulated sewage treatment plants and industrial facilities.

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5. Studies conducted by the USEPA, the states, counties, cities, flood control districts and other entities dealing with Urban Runoff indicate that the following are major sources of Urban Runoff Pollution nationwide:

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a. Industrial sites where appropriate Pollution Prevention and BMPs are not implemented;

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b. Construction sites where erosion and sediment controls and BMPs are not implemented; and,

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c. Runoff from urbanized areas.

6. The 1987 amendments to the CWA added Section 402(p) that required the USEPA to develop permitting regulations for storm water discharges from MS4 and from industrial facilities, including construction sites. The USEPA promulgated the final Phase I storm water regulations on November 16, 1990. Neither the 1987

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amendments to the CWA nor the Phase I storm water regulations (40 CFR Part 122) have been amended since their effective dates.

7. Prior to the USEPA's promulgation of the final storm water regulations, three counties (Orange, Riverside, and San Bernardino) and their incorporated cities located within the Regional Board's jurisdiction requested area-wide NPDES MS4 permits. These area-wide MS4 NPDES permits are:
- a. Orange County, NPDES No. CAS 618030
 - b. Riverside County, NPDES No. CAS 618033
 - c. San Bernardino County, NPDES No. CAS 618036
8. Consistent with the CWA and the USEPA regulations promulgated pursuant thereto, the State Board and the Regional Board have adopted a number of permits to address Pollution from the sources identified in Finding 5, above. Industrial activities (as defined in 40 CFR 122.26(b)(14)) including construction activities on one or more acres are to be covered under one of the following permits and those individuals or entities that engage in such activities are required to secure permission to engage in such identified activities pursuant to the provisions of one of the following permits:
- a. State Board Order No. 97-03-DWQ, for storm water runoff from industrial activities (NPDES No. CAS000001), (the "General Industrial Activities Storm Water Permit").
 - b. State Board Order No. 99-08-DWQ, for storm water runoff from construction activities (NPDES No. CAS000002), (the "General Construction Activity Storm Water Permit"). Order No. 99-08- DWQ was amended by State Board Resolution No. 2001-046 on April 26, 2001, to incorporate monitoring provisions as directed by the Superior Court, County of Sacramento. This Order is in the process of being renewed.
 - c. State Board Order No. 99-06-DWQ (NPDES No. CAS000003) for storm water runoff from facilities (including freeways and highways) owned and/or operated by the California Department of Transportation ("Caltrans").
 - d. State Board Order No. 2003-0007-DWQ, for discharges of storm water runoff associated with small linear underground/overhead construction projects (NPDES No. CAS000005), (the "General Permit-Small Linear Underground Projects). This State Board Order may be merged into the General Construction Activity Storm Water Permit upon its renewal.

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e. The Regional Board also issues individual storm water permits for certain industrial facilities within the Santa Ana River watershed. Currently there is only one industrial storm water NPDES permit that has been issued by the Regional Board for a facility (March Air Reserve Base) located within the Permit Area. Additionally, the Regional Board has issued NPDES permits for a number of facilities that discharge process wastewater and storm water; storm water discharge requirements are included in such a facility's NPDES permit.

9. Section 402(p) of the CWA establishes two different performance standards for storm water discharges. NPDES MS4 permits require controls to reduce the discharge of Pollutants to the MEP. NPDES permits issued for industrial storm water discharges (including construction activities) must meet Best Available Technology ("BAT") and Best Conventional Pollutant Control Technology ("BCT") standards. The CWA and the USEPA regulations allow each state the flexibility to decide what constitutes the MEP.

10. This Order does not constitute an unfunded mandate subject to subvention under Article XIII.B, Section (6) of the California Constitution for several reasons, including the following:

a. This Order implements federally mandated requirements under Clean Water Act Section 402(p)(3)(B). (33 USC § 1342(p)(3)(B)).

b. The Permittees' obligation under this order are similar to, and in many respects less stringent than, the obligations of non-governmental dischargers who are issued NPDES permits for storm water discharges.

c. The Permittees have the authority to levy service charges, fees, or assessments to pay for compliance with this Order⁷.

d. The Permittees requested permit coverage in lieu of compliance with the complete prohibition against the discharge of Pollutants contained in federal Clean Water Act Section 301, subdivision (a). (33 USC § 1311(a)).

11. Section 13225 of the California Water Code identifies the Regional Board as being the enforcement authority for NPDES permits, including the Industrial General Permit, the Construction General Permit, and the General Permit-Small Linear Underground Projects, which are collectively referred to as the "General Stormwater Permits." However, in many areas, the industrial and construction sites discharge directly into MS4 facilities owned and operated by the Permittees. These industrial and construction sites are also regulated under local ordinances and regulations. The Permittees and Regional Board staff work together to avoid

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⁷ Voter approval may be required for new tax levies.

duplicative efforts in regulating these facilities. As part of this coordination, the Permittees have been notifying Regional Board staff when they observe, during their routine activities, conditions that result in a threat or potential threat to water quality, or when a required industrial facility or construction activity fails to obtain coverage under the appropriate General Stormwater Permit.

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12. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544). This Order requires compliance with Effluent Limits, Receiving Water Limits, and other requirements to protect the Beneficial Uses of Waters of the U.S. The Permittees are responsible for meeting all requirements of the applicable Endangered Species Act.

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13. The Permittees may petition the Regional Board to issue a separate NPDES permit to any discharger of Non-storm Water into MS4 facilities that they own or operate.

14. The Regional Board has considered anti-degradation requirements, pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, for this discharge. The Regional Board finds that the Urban Runoff regulated under this Order is consistent with the federal and state anti-degradation requirements and a complete anti-degradation analysis is not necessary. This Order requires the continued implementation of programs and policies to reduce the discharge of Pollutants in Urban Runoff. This Order includes additional requirements to control the discharge of Pollutants in Urban Runoff from "Significant Redevelopment," and "New Development," as defined in Finding II.G. and Section XII of this Order.

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C. RATIONALE FOR REQUIREMENTS

1. The Regional Board developed the requirements in this Order based on information submitted as part of the 2007 ROWD (including the 2007 DAMP), monitoring and reporting data, program audits, and other available information and consistent with the CWA, CWC and regulations adopted thereunder.

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2. The Fact Sheet (Appendix 6), which contains additional background information and rationale for requirements specified in this Order is hereby incorporated into this Order and constitutes part of the Findings for this Order. Appendices 1 through 5 are also incorporated into this Order.

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D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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1. Under Water Code Section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code Sections 21100 - 21177 (*County of Los Angeles v. California State Water Resources Control Board* [2006] 142 Cal Appl. 4th 985, mod. [Nov. 6, 2006, B184034] 50 Cal. Rptr 3rd 619, 632-636). This action also involves the re-issuance of Waste Discharge Requirements for existing facilities and as such, is exempt from the provisions of California Environmental Quality Act (commencing with Section 21100) in that the activity is exempt pursuant to Title 14 of the California Code of Regulations Section 15301.
2. Compliance with this Order and the DAMP does not necessarily constitute mitigation that is sufficiently specific to satisfy the requirements of CEQA with regards to projects. The intent of the Drainage Area Management Plan/Water Quality Management Plan (DAMP/WQMP), Storm Water Pollution Prevention Plan (SWPPP) and other programs and policies incorporated into this order is to minimize the impacts from a specific project to a level that is below significance as defined in CEQA.

E. DISCHARGE CHARACTERISTICS

1. This Order regulates Urban Runoff from areas under the jurisdiction of the Permittees. The term Urban Runoff as used in this Order includes storm water runoff, snowmelt runoff and surface runoff and drainage as defined in Appendix 4.
2. Pollutants in Urban Runoff can threaten and adversely affect human health and the environment. Human illnesses have been clearly linked to recreating near storm drains flowing into coastal waters⁸. Also, Pollutants in Urban Runoff can bioaccumulate in receiving waters in the tissues of invertebrates and fish and eventually consumed by humans and other animals.
3. Urban Runoff can carry Pollutants described in the Fact Sheet to rivers, streams, and lakes within the Permit Area (collectively the "Receiving Waters"). In addition, although infrequently, Urban Runoff from the Permit Area can carry these Pollutants to other receiving waters such as the Pacific Ocean.
4. Management of dry weather discharges resulting from urbanization provides an opportunity to promote water conservation as well as address water quality.
5. The Co-Permittees discharge Urban Runoff into lakes, drinking water reservoirs, rivers, streams, creeks, and tributaries thereto within the Upper Santa Ana River, Middle Santa Ana River, and San Jacinto hydrologic units within the Santa Ana Region, as shown in Tables 3a and 3b. Some of the **Receiving Waters** have been

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⁸ The Santa Monica Bay Restoration Project, Epidemiology Study, 1996.

designated as Impaired by the Regional Board and the USEPA pursuant to CWA
Section 303(d).

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Table 3a – Receiving Waterbodies and Municipal Dischargers:

	Upper Santa Ana									San Jacinto								
Municipality	Mill Creek Prado Area	Chino Creek, Reach 1A	Chino Creek, Reach 1B	Temescal Creek	San Timoteo Wash	Little San Geronio	Santa Ana River, Reach 3	Santa Ana River, Reach 4	Cucamonga Creek	San Jacinto River reaches 1-4	Lake Elsinore	Canyon Lake	Strawberry Creek	Lake Hemet	Salt Creek	Poppet Creek	Indian Creek	Bautista Creek
RCFC&WCD				◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Beaumont					◆	◆	✕	✕		◆	✕		◆	◆				
Calimesa					◆	✕	✕	✕		◆	✕	◆	◆					
Canyon Lake				✕			✕			✕	✕	◆						
Corona				◆			✕											
County of Riverside (County)	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Hemet				✕			✕			✕	✕	✕			✕			
Lake Elsinore				◆			✕			✕	◆							
Menifee				✕			✕			✕	✕	✕			✕			
Moreno Valley				✕			✕			✕	✕	✕						
Murrieta				✕			✕				✕							
Norco				✕			◆											
Perris				✕			✕			◆	✕	✕			✕			
Riverside				✕			◆	◆			✕							
San Jacinto										◆	✕	✕						
Wildomar				✕			✕				✕							

◆ Direct Discharge of MS4 to Receiving Water
✕ Tributary to Receiving Water

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✕ Indirect Discharge

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Table 3b. **Beneficial Uses and 2006 CWA Section 303(d) Impaired Waters**

Watershed Management Areas in Riverside County	Hydraulic Unit	Beneficial Uses
Upper Santa Ana River		
Santa Ana River, Reach 3,	801.21, 801.25, 801.27,	AGR, GWR, REC1, REC2, WARM, WILD, RARE
Santa Ana River, Reach 4	801.27, 801.44	GWR, REC1, REC2, WARM, WILD,
Temescal Creek – Reach 1	801.25	AGR, IND, GWR, REC1, REC2, WARM, WILD, RARE, SPWN
Temescal Creek – Reach 2	801.32, 801.25	INTERMITTENT - AGR, IND, GWR, REC1, REC2, WARM, WILD
Temescal Creek – Reach 3 See Lee Lake		
Temescal Creek – Reach 4	801.34	RARE, INTERMITTENT - AGR, GWR, REC1, REC2, WARM, WILD
Temescal Creek – Reach 5	801.35	AGR, GWR, REC1, REC2, WARM, WILD, RARE
Temescal Creek – Reach 6	801.35	INTERMITTENT - GWR, REC1, REC2, WARM, WILD
Coldwater Canyon Creek	801.32	MUN, AGR, GWR, REC1, REC2, WARM, WILD
Bedford Canyon Creek	801.32	INTERMITTENT - GWR, REC1, REC2, WARM, WILD
Dawson Canyon Creek	801.32	MUN, GWR, REC1, REC2, WARM, WILD
Day Creek	801.21	INTERMITTENT - MUN, PROC, GWR, REC1, REC2, COLD, WILD
San Sevaine Creek	801.21	INTERMITTENT - MUN, GWR, REC1, REC2, COLD, WILD
San Timoteo Wash Reaches 3 & 4	801.62	INTERMITTENT - AGR, GWR, REC1, REC2, WARM, WILD,
Little San Gorgonio Creek & Tributaries	801.62, 801.63, 801.69	MUN, GWR, GWR, REC1, REC2, COLD, WILD,
Sunnyslope Channel	801.27,	MUN, REC1, REC2, WARM, WILD, SPWN
Tequesquite Arroyo (Sycamore Creek)	801.27,	GWR, REC1, REC2, WARM, WILD, SPWN
Chino Basin/ Middle Santa Ana		
Chino Creek, Reach 1A	801.21	REC1, REC2, WARM, WILD, RARE
Chino Creek, Reach 1B	801.21	REC1, REC2, WARM, WILD, RARE
Mill Creek (Prado Area)	801.25	REC1, REC2, WARM, WILD, RARE
Cucamonga Creek – Reach 1	801.21	GWR, REC1, REC2, LWARM, WILD
- Santa Ana River, Reach 3	801.21, 801.25, 801.27,	AGR, GWR, REC1, REC2, WARM, WILD, RARE

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Watershed Management Areas in Riverside County	Hydraulic Unit	Beneficial Uses
San Jacinto San Jacinto River reaches 1 and 6	802.31, 802.32 & 802.21	INTERMITTENT - MUN, AGR, GWR, REC1, REC2, WARM, WILD
San Jacinto San Jacinto River reaches 3-5	802.11, 802.14, 802.21,	INTERMITTENT - AGR, GWR, REC1, REC2, WARM, WILD
San Jacinto San Jacinto River reach 2 See Canyon Lake		
San Jacinto San Jacinto River reach 7	802.21	MUN, AGR, GWR, REC1, REC2, WARM, WILD
- Bautista Creek	802.21, 802.23	MUN, AGR, GWR, REC1, REC2, COLD, WILD,
- Strawberry Creek	802.21	MUN, AGR, GWR, REC1, REC2, COLD, WILD
- Fuller Mill Creek	802.22	MUN, AGR, GWR, REC1, REC2, COLD, WILD
- Stone Creek	802.21	MUN, AGR, GWR, REC1, REC2, COLD, WILD
- Salt Creek	802.12	INTERMITTENT - REC1, REC2, WARM, WILD
- Logan, Black Mtn, Juaro Canyon, Indian, Hurkey, Poppet and Protrero Creeks, and other Tributaries to these Creeks	802.21, 802.22	INTERMITTENT - MUN, AGR, GWR, REC1, REC2, WARM, WILD,
Lakes		
- Lake Elsinore	802.31	REC1, REC2, WARM, WILD
- Canyon Lake	802.11	MUN, AGR, GWR, REC1, REC2, WARM, WILD
- Lake Hemet	802.22	MUN, AGR, GWR, POW, REC1, REC2, WARM, COLD, WILD, SPWN
- Lake Fulmor	802.21	MUN, AGR, REC1, REC2, WARM, COLD, WILD
- Lake Perris	802.11	MUN, AGR, IND, PROC, GWR, REC1, REC2, WARM, COLD, WILD,
- Lake Evans	801.27	REC1, REC2, WARM, COLD, WILD
- Lake Mathews	801.33	MUN, AGR, IND, PROC, GWR, REC1, REC2, WARM, WILD, RARE
- Lee Lake	801.34	AGR, IND, GWR, REC1, REC2, WARM, WILD
- Mockingbird Reservoir	801.26	AGR, REC1, REC2, WARM, WILD

AGR: Agricultural Supply; MUN: Municipal and Domestic Supply; GWR: Groundwater Recharge; IND – Industrial Service Supply, POW – Hydropower generation, REC1: Water Contact Recreation; REC2: Non-Contact Water Recreation; WARM: Warm Freshwater Habitat; LWARM: Limited Warm Freshwater Habitat, COLD - Cold freshwater habitat, WILD: Wildlife Habitat, RARE – Rare threatened or endangered species. SPWN – Spawning, reproduction and development waters.

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6. Urban Runoff is defined in the Glossary (Appendix 4). It includes those discharges from residential, commercial, industrial, and construction areas within the Permit Area and excludes discharges from Open Space⁹, feedlots, dairies, farms and agricultural fields. Urban Runoff consists of storm water and "authorized non-storm water" (see Section VI) surface runoff from drainage sub-areas with various, often mixed, land uses within all of the hydrologic drainage areas that discharge into the Receiving Waters. In addition to Urban Runoff, the MS4 regulated by this Order receives flows from Open Space, agricultural activities, state and federal properties and other non-urban land uses not under the control of the Permittees. The quality of the discharges from the MS4 varies considerably and is affected by, among other things, past and present land use activities, basin hydrology, geography and geology, season, the frequency and duration of storm events, and the presence of past or present illegal and allowed disposal practices, and Illicit Connections.

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7. Pathogens (from sanitary sewer overflows, septic system leaks, and spills and leaks from portable toilets, pets, wildlife, and human activities) can impact water contact recreation and non-contact water recreation. Floatables (from trash) are an aesthetic nuisance and can be a substrate for algae and insect vectors. Oil and grease can coat birds and aquatic organisms, adversely affecting respiration and/or thermoregulation. Other petroleum hydrocarbon components may cause Toxicity (as defined in Appendix 4, Glossary) to aquatic organisms and may impact human health. Suspended and settleable solids (from sediment, trash, and industrial activities) may be deleterious to benthic organisms and may cause anaerobic conditions to form. Sediments and other suspended particulates may cause turbidity, clog fish gills and interfere with respiration in aquatic fauna. They may also screen out light, hindering photosynthesis and normal aquatic plant growth and development. However, it is recognized that storm flows from non-urbanized areas such as national forest, state parks, wilderness, and agriculture, as shown on Appendix 1, naturally exhibit high levels of suspended solids due to climate, hydrology, geology and geography.¹⁰ Toxic substances (from pesticides, petroleum products, metals, and industrial wastes (as defined in Appendix 4, Glossary) can cause acute and/or chronic Toxicity, and can bioaccumulate in organisms to levels that may be harmful to human health. Nutrients (from fertilizer use, fire fighting chemicals, decaying plants, confined animal facilities, pets, and wildlife) may cause excessive algal blooms. These blooms may lead to problems with taste, odor, color and increased turbidity, and may depress the dissolved oxygen content, leading to fish kills.

⁹ Only includes Open Space in strictly unurbanized areas. See Glossary definition of Urban Runoff.

¹⁰ Riverside County Flood Control and Water Conservation District's "Hydrology Manual," dated April 1978 and page II-4 of "Santa Ana River, Design Memorandum No. 1, Phase II GDM on the Santa Ana River Mainstem, including Santiago Creek, Volume 2, Prado Dam." dated August 1988 and D.I. Inman & S.A. Jenkins "Climate Change and the Episodicity of Sediment Flux in Small California Rivers," Journal of Geology, Volume 107, pp. 251-270, 1999.

8. Bacteria and nutrients are the Pollutants of Concern for a majority of the inland waters that are listed under the 303(d) list of impaired waterbodies or an adopted TMDL. This Order requires the Permittees to identify sources of bacteria and nutrients in Urban Runoff to their MS4 and to control those Pollutant sources.

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9. Recent information¹¹ shows that plastic wastes and materials released to surface water bodies can harm aquatic species by entanglement or ingestion. This Order requires the Permittees to consider facilities that handle nurdles¹² as a high priority site for inspection, and outreach. Nurdles are a major contributor to marine debris. During a three month study of Orange County researchers found them to be the most common beach contaminant¹³. Nurdles comprised roughly 98% of the beach debris collected in a 2001 Orange County study.

10. The Permittees' water quality monitoring data submitted to date document a number of violations of Basin Plan Water Quality Objectives for various Urban Runoff-related Pollutants (fecal coliform bacteria, nutrients, total suspended solids, turbidity, metals, etc.) at various watershed monitoring stations.

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11. This Order includes requirements for control of dry weather flows from Permittee activities that may cause an exceedance of Water Quality Objectives in Receiving Waters for TDS or total inorganic nitrogen (TIN). Storm water was considered to be an insignificant source for nitrogen/TDS in groundwater.

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12. The Permittees' 2003-2004, 2004-2005, 2005-2006, 2006-2007 and 2007-2008 Annual Reports indicate exceedances of Water Quality Objectives for each core MS4 monitoring station as follows:

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- a. Corona Storm Drain (40) - Six samples were collected and analyzed for fecal coliforms. Three samples were collected in the dry season and three during wet weather events. All samples analyzed exceeded bacteria (as fecal coliform) Basin Plan Objectives with a maximum value of 160,000 MPN fecal coliforms. Boron analyses exceeded Basin Plan Objectives of 0.75 mg/L in one out of eighteen samples collected (0.78 mg/L). Six samples were collected and analyzed for Total Dissolved Solids (TDS) in 2003-2004. All samples were below the Santa Ana River Reach 3 Basin Plan Objectives of 700 mg/L TDS and only one of eighteen samples exceeded the 10 mg/L total nitrogen objective.

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¹¹ http://www.bestlifeonline.com/cms/publish/health-fitness/Our_oceans_are_turning_into_plastic_are_we_2_printer.shtml.

¹² A nurdle is a plastic pellet, also known as pre-production plastic pellet or plastic resin pellet.

¹³ Moore, Charles (2002). "A comparison of neustonic plastic and zooplankton abundance in Southern California's coastal waters and elsewhere in the North Pacific". *Algalita Marine Research Foundation*. <http://www.mindfully.org/Plastic/Ocean/Marine-Debris-Panel30oct02.htm>.

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b. Sunnymead Channel (316) - Three samples were collected during wet weather events and analyzed for fecal coliforms in this time frame. All exceeded bacteria Basin Plan Objectives of 200 MPN fecal coliforms. Two samples were collected during wet weather events and analyzed for TDS and were below the Basin Plan Objective of 700 mg/L for Canyon Lake. Total nitrogen values in all ten samples collected during wet weather events were below the Basin Plan Objective of 8 mg/L.

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c. Hemet Channel (318) - All four samples collected during this time frame exceeded the bacteria Basin Plan Objective of 200 MPN for fecal coliforms. As Salt Creek does not have numeric objectives for TDS, the Receiving Water for Salt Creek is Canyon Lake with an objective of 700 mg/L TDS. All eighteen samples collected during wet weather events and analyzed for TDS were below the Canyon Lake Basin Plan Objective. Total nitrogen values in all nine samples collected during wet weather events were below the Basin Plan Objective of 8 mg/L.

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d. Magnolia Center (364) – Eleven out of thirteen samples collected exceeded the Basin Plan Objective for fecal coliform (200 MPN). Two (both collected during wet weather events) out of thirty-four samples identified total nitrogen concentrations in excess of the 10 mg/L Basin Plan Objective. The maximum concentration measured was 13 mg/L. Basin Plan Objective of 700 mg/L TDS were exceeded in six out of twenty-one samples analyzed. The maximum TDS concentration was 1000 mg/L TDS. The maximum TDS concentration was 1,000 mg/L.

e. University Wash Channel (702) – All three samples collected during this time frame exceeded the fecal coliform Basin Plan Objective of 200 MPN. The maximum concentration was greater than 13,000 MPN. One (11 mg/L) out of sixteen samples analyzed for total nitrogen was above the Santa Ana River Reach 4 Basin Plan Objective of 10 mg/L. Ten samples analyzed for TDS were below Basin Plan objective of 550 mg/L.

f. North Norco Channel (707) – Three out of four samples analyzed for bacterial indicators exceeded bacteria Basin Plan Objective of 200 MPN fecal coliform. Three out of four samples analyzed for TDS were above the Santa Ana River Reach 3 Basin Plan Objective of 700 mg/L. One out of ten samples analyzed for total nitrogen exceeded the Basin Plan Objective of 10 mg/L for total nitrogen.

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g. Perris Line J Channel (752) – All four samples analyzed exceeded bacterial indicator Basin Plan Objective the highest value was 13,000 MPN fecal coliform. Two of four samples analyzed for TDS exceeded the Basin Plan Objective of 700 mg/L for Canyon Lake. One out of twelve samples analyzed exceeded the Basin Plan Objective of 8 mg/L for total nitrogen.

13. The Permittees are participating in several studies in conjunction with the Storm Water Monitoring Coalition (SMC), Storm Water Quality Standards Task Force, the Lake Elsinore and Canyon Lake TMDL Task Force, the Middle Santa Ana River TMDL Task Force and Southern California Coastal Water Research Project (SCCWRP) to address the elevated fecal indicator bacteria levels. Also, the Permittees are anticipating that the use of fecal indicator bacteria will be changed to E. coli and the reclassification of REC uses for several MS4 facilities in the near future. However, E. coli data still indicates Basin Plan Objective exceedances that will need to be addressed as part of the TMDL.

14. The above monitoring results, the 303(d) list of Impaired Waterbodies and the approved TMDLs indicate that bacterial contamination is one of the persistent problems in Urban Runoff. TMDL Implementation Plans including Urban Runoff Waste Load Allocations (WLAs) have been adopted by the Regional Board for the Middle Santa Ana River to address this problem. It should be noted, however, that the work of the Storm Water Quality Standards Task Force is likely to result in changes to Recreational Water Quality Objectives and implementation measures, including the suspension of recreational standards during high flow events. Further, some MS4 facilities may be recategorized as REC 2 or REC X (REC 1 nor REC2) pursuant to Use Attainability analyses (UAAs). These changes will likely allow the Permittees to focus their TMDL compliance resources on bacterial contamination that is affecting recreational swimming areas used during the dry season as the highest priority.

15. The Santa Ana River is the major Receiving Water in the Permit Area. During non-storm periods the flow in the River is dominated by effluent from POTW discharges. POTW discharges are regulated under NPDES permits issued by the Regional Board. In addition, the quality of the Santa Ana River within the Upper Santa Ana sub-watershed is greatly influenced by runoff from agricultural activities. Urban Runoff from the Permit Area constitutes a minor component of the dry weather flow in the Upper Santa Ana and San Jacinto sub-watersheds of the Santa Ana River. However, Urban Runoff may be more polluted than POTW discharges and therefore a more significant concern based on monitoring results identified in the Annual Reports.

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F. CWA SECTION 303(D) LISTED WATERBODIES AND TMDLS (ALSO SEE SECTION K)

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1. Water quality assessment conducted by Regional Board staff has identified a number of Beneficial Use ~~Impairments~~ due, in part, to Urban Runoff. Section 305(b) of the CWA requires the USEPA and each state that has been delegated NPDES permitting authority to routinely monitor and assess the quality of waters of their respective regions. If this assessment indicates that Beneficial Uses are not met, then that waterbody must be listed under Section 303(d) of the CWA as an Impaired Waterbody.

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2. Based on the Regional Board's 2006¹⁴ water quality assessment a number of water bodies within the Permit Area are listed (see Table 4, below) as ~~Impaired~~ pursuant to Section 303(d).

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Table 4 - Impaired Waterbodies

Waterbody	Pollutant	Potential Sources	Proposed TMDL Completion
Santa Ana River, Reach 3,	Pathogens	Dairies	Approved 2007
Canyon Lake	Nutrients	Non-point Source	Approved 2005
	Pathogens	Non-point Source	Listing under evaluation
Lake Elsinore	Nutrients	Non-point Source	Approved 2005
	Unknown Toxicity PCBs	Unknown Unknown Non-point Source	2021 2019
Lake Fulmor	Pathogens	Unknown Non-point Source	2019
Santa Ana River, Reach 4	Pathogens	Non-point Source	2019

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3. Federal regulations require that a total maximum daily load (TMDL) be established for each 303(d) listed waterbody for each of the Pollutants causing ~~Impairment~~. The TMDL is the total amount of a Pollutant that can be discharged to a subject waterbody, while still enabling the waterbody to attain ~~Water Quality Standards~~, in

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¹⁴ On April 24, 2009, the Regional Board adopted Resolution No. R8-2009-0032 approving the Clean Water Act Section 305(b) Integrated Report/Clean Water Act Section 303(d) List of Impaired Waterbodies. [Minor additional modifications were approved by the Regional Board on October 23, 2009.](#) When the revised list is approved by the State Board and the USEPA, the 2006 list will be updated.

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the receiving water. Attaining Water Quality Standards, means that the receiving waterbody's Water Quality Objectives are met and its Beneficial Uses are protected. The TMDL is the sum of the individual WLAs for point source inputs, Load Allocations (LAs) for Non-Point Source inputs and natural background, and a margin of safety. The TMDLs are one of the bases for limitations established in Waste Discharge Requirements.

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4. The Basin Plan amendment incorporating the Middle Santa Ana River Watershed Bacterial Indicator TMDLs (MSAR TMDL) was approved by the Regional Board on August 26, 2005 (Resolution No. R8-2005-0001), by the State Board on May 15, 2006, by the state's Office of Administrative Law on September 1, 2006, and by the USEPA on May 16, 2007.

5. The MSAR TMDL established limits for bacterial source indicators for Santa Ana River (Reach 3), Chino Creek (Reaches 1 and 2), Prado Park Lake, Mill Creek (Prado Area), and Cucamonga Creek (Reach 1). ~~The allocations apply to Middle Santa Ana River Watershed Urban Dischargers as a group.~~ The MSAR TMDLs Implementation Plan identifies three sub-watersheds in Riverside County that drain to the Santa Ana River, Reach 3: 1) Riverside Watershed - Contributes surface drainage generally westward from the City of Riverside to the Santa Ana River; 2) Temescal Canyon Watershed - Contributes surface drainage generally northward to Temescal Creek and then to the Santa Ana River; and 3) Chino Basin - The southeastern portion of the Chino Basin drains generally south to the Santa Ana River in Riverside County.

6. The MSAR TMDLs specifies WLAs for Urban Runoff, and discharges from concentrated animal feeding operations. LAs are specified for runoff from other types of agriculture and from natural sources (open space/undeveloped forest land). WLAs and LAs are specified for both dry season discharges and wet season discharges, with separate compliance dates.

7. The MSAR TMDL Implementation Plan assigns responsibilities to specific MS4 dischargers to identify sources of impairment, to propose BMPs to address those sources, and to monitor, evaluate, and revise BMPs as needed, based on the effectiveness of the BMP implementation program. Specific Implementation Plan tasks are described in Chapter 5 of the Basin Plan and are assigned to one or more of the Permittees. Requirements of the TMDL Implementation Plan tasks are incorporated into this Order. A number of these Implementation Plan tasks are also jointly assigned to non-Permittee stakeholders. The stakeholders have established TMDL task forces to jointly implement and coordinate the TMDL Implementation Plan tasks.

Deleted: <#>The implementation plan for the MSAR TMDL identified a number of tasks for the responsible parties that include some of the Permittees and non-permittees. The responsible parties established a TMDL Task Force to jointly implement the TMDL implementation plan (see Table 5, below, for a list of task force members). Pursuant to Task 3 of the MSAR TMDL, the TMDL Task Force submitted a monitoring program that the Regional Board approved on June 29, 2007 (Resolution No. R8-2007-0046). ¶

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8. The MSAR TMDL Task Force members are listed in Table 5.

Table 5 - Middle Santa Ana River Bacterial Indicator TMDL Task Force

MS4 Permittees	Non-MS4 Permittees
Corona, City of	Santa Ana Watershed Project Authority
Norco, City of	US Department of Agriculture, Forest Service
Riverside, City of	
Riverside, County of	
RCFC&WCD,	Region 4 MS4 Permittees - Claremont and Pomona
San Bernardino County Flood Control District (representing the county of San Bernardino and the municipalities named in the TMDL)	

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9. Pursuant to Task 3 of the MSAR TMDL, on June 29, 2007, the Regional Board approved the monitoring program (Resolution No. R8-2007-0046) proposed by the TMDL Task Force. Pursuant to Task 4 of the MSAR TMDL, on April 18, 2008, the Regional Board approved the Urban Source Evaluation Plan (Resolution No. R8-2008-0044) proposed by the TMDL Task Force. This Order requires the Permittees on the Task Force to continue to implement the approved monitoring program and the Urban Source Evaluation Plan.

10. Within the Permit Area, there are two watershed-wide MSAR TMDL monitoring stations (WW-S1 Santa Ana River Reach 3 @ MWD Crossing and WW-S4 Santa Ana River Reach 3 @ Pedley Avenue). Permittees within the MSAR TMDL area are required to comply with the numeric bacterial indicator targets at these monitoring locations ~~as soon as possible but~~ no later than December 31, 2015 for dry weather conditions (April 1 through October 31, as defined in the TMDL) and no later than December 31, 2025 for wet ~~weather~~ conditions (November 1 through March 31, as defined by the TMDL).

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11. Stakeholders in the Santa Ana Region have formed the Storm Water Quality Standards Task Force (SWQSTF) to evaluate USEPA's bacterial indicator recommendations and appropriate recreational beneficial use designations for waterbodies throughout the Region. The SWQSTF is expected to make recommendations for the adoption of alternative bacterial indicators such as E.coli, based on USEPA's "Ambient Water Quality Criteria for Bacteria -1986". These and other recommendations of the SWQSTF for revisions to recreational beneficial use designations will be considered through the Basin Planning process. When and if the Basin Plan is amended to incorporate new beneficial use designations and/or bacterial objectives, the MSAR TMDLs will be revised, as appropriate.

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12. This Order will be reopened to incorporate any new WLAs approved by the Regional Board, the State Board, Office of Administrative Law and the USEPA.

13. On December 20, 2004, the Regional Board adopted Resolution R8-2004-0037 amending the Basin Plan to incorporate the Lake Elsinore and Canyon Lake Nutrient TMDLs. These TMDLs were subsequently approved by the State Board on May 19, 2005, by the Office of Administrative Law on July 26, 2005 and by the USEPA on September 30, 2005. These TMDLs include urban WLAs that are now incorporated into Chapter 5 of the Basin Plan. For both Canyon Lake and Lake Elsinore, the TMDLs specify causal numeric targets (nitrogen and phosphorus) and response numeric targets (chlorophyll a, dissolved oxygen and un-ionized ammonia). The TMDLs also specify nitrogen and phosphorus WLAs (point source discharges) and LAs (nonpoint source discharges) for each lake. Compliance with interim dissolved oxygen and chlorophyll a numeric targets is to be achieved no later than December 31, 2015. Compliance with the final numeric targets and WLAs and LAs is to be achieved ~~as soon as possible but~~ no later than December 31, 2020. The LAs and WLAs are specified as 10-year running average.

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14. The nitrogen and phosphorus WLAs and LAs for Canyon Lake are applicable to those discharges tributary to Canyon Lake. The nitrogen and phosphorus WLAs and LAs for Lake Elsinore apply to those areas downstream of Canyon Lake and to overflows from Canyon Lake.

15. TMDL Implementation Plans for each TMDL assign responsibilities to specific MS4 dischargers/stakeholders to identify sources of Impairment, to propose BMPs to address those sources, and to monitor, evaluate and revise BMPs based on monitoring results. Specific implementation plan tasks are described in Chapter 5 of the Basin Plan and are assigned to one or more of the Permittees. Requirements of the TMDL implementation plan tasks are incorporated into this Order and were proposed for inclusion in Chapter 13 of the DAMP (see 2007 ROWD). Several of these tasks are also jointly assigned to non-Permittee stakeholders. The Permittees have established TMDL Task Forces to jointly implement and coordinate those tasks.

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16. To evaluate compliance with TMDL WLAs as per the Implementation Plans, the Permittees proposed to include in future ROWDs an:

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a. Evaluation of the effectiveness of BMPs and other control actions implemented; and

b. Evaluation of the progress towards compliance with the nutrient WLA allocation for Urban Runoff.

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17. The Canyon Lake and Lake Elsinore Nutrient TMDL Task Force (also referred to as the San Jacinto Watershed Urban Dischargers) members are tabulated below:

Table 6 - Canyon Lake and Lake Elsinore Nutrient TMDL Task Force

Riverside MS4 Permittees	Non-Permittees
Beaumont, City of	California Department of Fish and Game
Canyon Lake, City of	California Department of Transportation (Caltrans),
Hemet, City of	Eastern Municipal Water District
Lake Elsinore, City of	Elsinore Valley Municipal Water District
Moreno Valley, City of	U.S. Air Force (March Air Reserve Base), March Joint Powers Authority,
Murrieta, City of	U.S. Forest Service
Perris, City of	Western Riverside County Agricultural Coalition
San Jacinto, City of	
Riverside, City of	
Riverside, County of	
RCFC&WCD	

18. The cities of Menifee and Wildomar were recently incorporated and are responsible for compliance with the Canyon Lake and Lake Elsinore Nutrient TMDL requirements. They have the option to participate in the TMDL Task Force or comply with the TMDL requirements on their own.

19. Compliance determination with the WLAs in the TMDLs will be based on the Permittees progress towards implementing the various tasks as per the plans approved by the Regional Board.

G. NEW DEVELOPMENT/SIGNIFICANT REDEVELOPMENT – WQMP /LID

1. The California Constitution and Government Code provide the Co-Permittees planning policy powers that mandate that the Co-Permittees review and condition New Development consistent with the Subdivision Map Act, CEQA, and their respective general plans, ordinances, and resolutions to ensure the general public's health and safety. If these constitutional and statutory mandates are not properly implemented and local ordinances and resolutions are not properly enforced, there is a creditable potential that New Development could result in the discharge of Pollutants via Urban Runoff to the Waters of the U.S within the Permit Area.
2. Significant development has taken place in Riverside County in the last decade. These developments have resulted in the urbanization of many areas. Urbanization generally increases Urban Runoff volume and velocity of runoff and the amount of Pollutants in the runoff. As development occurs, natural vegetated pervious ground cover is converted to impervious surfaces such as highways, streets, rooftops and parking lots. Natural vegetated soil can both absorb rainwater and remove Pollutants providing an effective natural purification process. In contrast, impervious surfaces can neither absorb water nor remove Pollutants, and the natural purification characteristics are lost. Additionally, urban

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development can significantly increase Pollutant loads as the increased population density causes proportionately higher levels of vehicle emissions, vehicle maintenance wastes, municipal sewage wastes, pesticide, household hazardous wastes, pet wastes, trash, and other anthropogenic Pollutants.

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3. Urbanization can especially threaten environmentally sensitive areas (ESAs) and stream geomorphology. ESAs typically have a much lower capacity to withstand Pollutant loads. In essence, development that is ordinarily insignificant in its impact on the environment may in a particular sensitive environment become significant. Designated ESAs are defined in the Glossary (Appendix 4).

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Deleted: Designated environmentally sensitive areas include areas listed in the Basin Plan as supporting the "rare, threatened, or endangered species (RARE)", "wildlife habitat (WILD)", "spawning, reproduction, and development (SPWN)", and "preservation of biological habitats of special significance (BIOL)" Beneficial Uses.

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5. On October 5, 2000, the State Board adopted Order No. WQ-2000-11, which is a precedential order. Order No. WQ-2000-11 required that Urban Runoff generated by 85th percentile storm events from specific types of development categories be infiltrated, filtered or treated. The essential elements of this precedential order were incorporated into the 2002 MS4 Permit and are incorporated herein. In accordance with the requirements specified in the 2002 MS4 Permit, the Permittees developed a model Water Quality Management Plan (WQMP) and Template.

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6. The WQMP and Template provide a framework to incorporate some of the watershed protection principles into the Co-Permittees' planning, construction and post-construction phases of New Development, and Significant Redevelopment projects. The WQMP includes site design (including, where feasible, Low Impact Development principles) (LID, see Appendix 4), Source Control, and Treatment Control elements to reduce the discharge of Pollutants in Urban Runoff. On September 17, 2004, the Regional Board approved the WQMP. The Co-Permittees are requiring proponents of New Developments and Significant Redevelopments to develop and implement site-specific WQMPs. This Order requires Co-Permittees to continue requiring preliminary project-specific WQMPs as early as possible during the environmental review or planning phase (land use entitlement) and to review and approve final project-specific WQMP that is in substantial conformance with the preliminary project-specific WQMP prior to the issuance of any building or grading permit. This Order also requires Co-Permittees to verify functionality of post-construction BMPs prior to issuance of certificate of

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occupancy and to track and ensure long term operation and maintenance of those BMPs as per the approved project-specific WQMPs.

7. An audit of each of the Permittees' Urban Runoff management programs during the term of the 2002 MS4 Permit indicated no clear nexus between the watershed protection principles, including LID techniques specified in the WQMP and the Permittees' General Plan or related documents such as Development Standards, Zoning Codes, Conditions of Approval and Project Development Guidance. Existing procedures, ordinances, local codes, and development standards may be barriers to implementation of LID practices. This Order requires the Permittees to evaluate their General Plans, comprehensive, or master plans, zoning codes, subdivision ordinances, project development standards, conditions of approval or related documents to determine whether the removal of any barriers, within their control, is feasible for implementation of LID techniques and other requirements of this Order. Where feasible, the Co-Permittees will make appropriate changes to remove barriers to implement LID techniques and other requirements of this Order.

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8. This Order also requires the Permittees to review and enforce covenants, conditions and restrictions (CC&R) or develop other mechanisms to ensure proper long term operation and maintenance of post-construction BMPs.

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9. In addition to addressing post-development water quality, the WQMP includes requirements to protect ESAs and address potential hydromodification issues. Section 4.4 of the WQMP requires identification of hydrologic conditions of concern (HCOC). An HCOC exists when a site's hydrologic regime is altered and there are significant impacts on downstream channels and aquatic habitats, alone or in conjunction with impacts of other projects. Currently, New Development and Significant Re-development projects are required to perform this assessment and incorporate appropriate BMPs to ensure existing hydrologic conditions are maintained. This Order requires the Permittees to implement LID techniques to minimize HCOC.

10. Management of the impacts of urbanization on water quality and stream stability in the Permit Area is more effective if the techniques are implemented at the project site, within the neighborhood and within each Co-Permittee's jurisdiction based on an overall watershed plan. The Permittees have identified major Outfalls (with a pipe diameter of 36 inches or greater or drainage areas draining 50 acres or more) and have submitted maps of existing MS4 facilities. This Order requires the Permittees to expand upon the existing maps to include a map of its lined and unlined channels and streams within the Permit Area with the goal of identifying, prioritizing, and developing specific action plans for protecting those segments of streams that are vulnerable to development impacts.

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11. This Order further requires the Permittees to develop a Watershed Action Plan that would address TMDL Implementation Plan BMP strategies and provide regional

tools to address Hydromodification. The Permittees may choose to implement a single Watershed Action Plan for the entire Permit Area, or subdivide the Permit Area into sub-watersheds as appropriate to cost-effectively address TMDL requirements. The Watershed Action Plan integrates existing watershed based planning efforts and incorporates watershed tools to manage cumulative impacts of development on vulnerable streams, preserve structure and function of streams, and protect source, surface and groundwater quality and water supply in the permitted area. The Watershed Action Plan should integrate hydromodification and water quality management strategies with land use planning policies, ordinances, and plans within each jurisdiction. Existing Permittee watershed planning efforts include the Western Riverside County Multiple Species Habitat Conservation Plan, Special Area Management Plan, Santa Ana and San Jacinto Integrated Regional Watershed Management Plans, Lake Elsinore and Canyon Lake and Middle Santa Ana River TMDL Task Forces, SCCWRP hydromodification sensitivity mapping project, and various regional BMP evaluations being conducted by the Principal Permittee in conjunction with various water districts should be evaluated and incorporated into the Watershed Action Plan as necessary to address TMDL Implementation Plan requirements and Hydromodification. The regional efforts should be evaluated, and if necessary, enhanced to provide Permittees with the tools to integrate Hydromodification and TMDL management strategies with Permittee MS4 Permit compliance programs and land use planning policies, ordinances, and plans within appropriate Permittee jurisdictions within the Permit Area.

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12. Pending completion of a Watershed Action Plan and implementing tools, management of the impacts of urbanization shall be accomplished on a per project and per jurisdiction basis through jurisdictional implementation of the watershed tools incorporated into the local general plans, ordinances and other requirements and the project-specific WQMPs.

13. The Southern California Monitoring Coalition (SMC) in collaboration with SMC member Southern California Coastal Water Research Project (SCCWRP) and the California Storm Water Quality Association (CASQA) with funding from the State Water Resources Control Board and CASQA is developing a LID manual for southern California. This manual will be incorporated into the CASQA BMP Handbooks. The Permittees are encouraged to utilize the LID manual as a resource to implement LID techniques once completed.

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14. This Order requires the project proponents to first consider preventative and conservation techniques (e.g., preserve and protect natural features to the MEP) prior to considering mitigative techniques (structural treatment, such as infiltration

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systems). The mitigative measures should be prioritized with the highest priority for BMPs that remove Pollutants in Urban Runoff, and reduce the volume of Urban Runoff, such as infiltration, then other BMPs, such as harvesting and re-use, evapotranspiration and bio-treatment should be considered. Consistent with the MEP standard, these LID BMPs must be implemented at the project site. Consideration of "highest and best use" of the discharge should also be considered. For example, Lake Elsinore is evaporating faster than runoff from natural precipitation can recharge it. Requiring infiltration of 85% of runoff events for projects tributary to Lake Elsinore would only exacerbate current water quality problems associated with Pollutant concentration due to lake water evaporation. In cases such as this, requiring infiltration of Urban Runoff from projects, is counterproductive to the overall watershed goals. Project proponents, in these cases, would be allowed to discharge Urban Runoff, provided they used equally effective filtration-based BMPs. The Regional Board also recognizes that site conditions, including site soils, contaminant plumes, high groundwater levels, etc., could limit the applicability of infiltration and other LID BMPs at certain project sites. Where LID BMPs are not feasible or appropriate at the project site, more traditional, but equally effective control measures should be implemented. This Order provides for alternatives and in-lieu programs where preferred LID BMPs are infeasible or inappropriate.

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15. The USEPA has determined that LID/green infrastructure can be a cost-effective and environmentally preferable approach for the control of storm water pollution and to minimize downstream impacts by mimicking pre-development hydrology. LID techniques promote the reduction of impervious areas which may achieve multiple environmental and economic benefits in addition to enhanced water quality and supply, stream and habitat protection, cleaner air, reduced urban temperature, increased energy efficiency and other community benefits such as aesthetics recreation, and wildlife areas. This Order incorporates a volume capture metric based on the design volume specified in the WQMP and also includes a metric based on EIA.

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16. If not properly designed and maintained, the structural Treatment Control BMPs could create a nuisance and/or habitat for vectors¹⁹ (e.g., mosquitoes and rodents). The 2002 MS4 Permit required the Permittees to closely collaborate with

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¹⁹ Managing Mosquitoes in Storm water Treatment Devices, Marco E. Metzger, University of California Davis, Division of Agriculture and Natural Resources, Publication 8125.

the local vector control agencies during the development and implementation of such Treatment Control BMPs. The Permittees should continue these collaborative efforts with the vector control agencies to ensure that Treatment Control BMPs do not become a Nuisance or a potential source of Pollutants. The requirements specified in this Order include identification of responsible agencies for maintaining the Treatment Control BMPs and for providing funding for operation and maintenance.

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17. If not properly designed and maintained, groundwater infiltration systems may adversely impact groundwater quality. Restrictions placed on Urban Runoff infiltration in this Order (Section XI.D.8) are based on recommendations provided by the USEPA Risk Reduction Laboratory. The Permittees should work closely with the water districts and water conservation districts to insure groundwater protection.

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18. This Order incorporates new project categories and revised thresholds for several categories of new development and redevelopment projects that trigger the requirement for a WQMP. The 2008 National Research Council (NRC) report²⁰ indicates that roads and parking lots constitute as much as 70% of total impervious cover in ultra-urban landscape, and as much as 80% of the directly connected impervious cover. Roads tend to capture and export more storm water pollutants than other impervious covers. As such, roads are included as a priority development category for which WQMPs are required. Private New Development and Significant Redevelopment projects incorporating roads typically allow road runoff to be addressed as part of the overall water quality strategy for the larger common plans of development. Permittee streets, roads and highways capital projects have special limitations. For example, the footprint of street, road and highway capital projects is often limited and may have hydraulic constraints due to lack of underground storm drain systems that would otherwise be necessary to hydraulically facilitate treatment of runoff. There are also limitations specified in state and federal design and code specifications that may limit or prohibit certain BMPs. Permittees may also be subject to flow diversion liability and limited road maintenance budgets and equipment. Street, road and highway projects that function as part of the MS4 also receive runoff and associated Pollutants from both existing urban areas and other external sources, including adjacent land use activities, aerial deposition, brake pad and tire wear and other sources that may be outside the Co-Permittee's authority to regulate and/or economic or technological ability to control. These offsite flows can overwhelm Treatment Control BMPs designed to address the footprint (consistent with the typical requirements for a WQMP) of street, road or highway capital projects incorporating curb and gutter as part of its storm water conveyance function. Despite these limitations, the Regional Board finds that Permittee construction of streets, roads and highway

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²⁰ National Research Council Report (2008), http://www.nap.edu/catalog.php?record_id=12465

capital projects may provide an opportunity to address Pollutant loads from existing urban areas. However, due to the nature of the facilities and projects, it would be unduly burdensome for the Co-Permittees to maintain WQMP documents for transportation projects (in addition to Facility Pollution Prevention Plans and other overlapping requirements of this Order). The Permittees are therefore not required to prepare WQMP documents for street, road and highway capital projects, but instead are required to develop functionally equivalent documents that include site specific consideration utilizing BMP guidance to address street, roads and highway capital project runoff to the MEP.

19. The NRC report also indicates that there is a direct relationship between impervious cover and the biological condition of downstream receiving waters. The Permittees are required to address hydrologic conditions of concern from new development and significant redevelopment projects to minimize downstream impacts.

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H. MUNICIPAL INSPECTION PROGRAMS

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1. Each Co-Permittee conducts inspections of those construction sites for which it has issued either a grading or building permit to determine compliance with its ordinances, regulations, and codes, including its Storm Water Ordinance. Each Co-Permittee, consistent with its ordinances, rules and regulations, inspects each site for compliance with the conditions of approval governing the grading or building permit. These inspections have been expanded by the Co-Permittees to determine that sites requiring coverage under the General Construction Activity Storm Water Permit have filed an NOI.

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2. The DAMP addresses compliance strategies with regard to industrial and commercial facilities. As part of their Urban Runoff management activities, the Principal Permittee and the County entered into an agreement, dated August 10, 1999 by which they have developed and funded, in cooperation with the Riverside County Environmental Health Department, the "Compliance Assistance Program" (CAP) which includes a storm water survey component as part of existing inspections of hazardous material (as defined in Appendix 4, Glossary) handlers and retail food service activities. The CAP consists of educational outreach to the inspected facilities and detailed storm water compliance surveys for each facility that must secure a hazardous materials permit for either storing, handling or generating such materials (there are approximately 5,500 facilities of which approximately 2,300 are inspected annually, and all facilities are inspected at least once during a two year cycle) and retail food facilities (there are approximately 6,750 facilities, all of which are inspected 1 to 3 times annually). Storm Water Compliance Surveys are conducted with each inspection of hazardous materials facilities, and at least once during the MS4 Permit term for restaurants. Restaurant inspectors are authorized to conduct additional surveys if they observe an IC/ID, or

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ordinance violation. The type of industrial/commercial establishment that is inspected includes, but is not limited to, automobile mechanical repair, maintenance, fueling, or cleaning operation, automobile or other vehicle body repair or painting operations, and painting or coating operations. Completed surveys that indicate non-compliance are forwarded to the appropriate Co-Permittee's, enforcement division for follow up action. In addition, the cities of Corona and Riverside, which operate publicly owned treatment works (POTW), conduct annually on average, approximately 4,400 wastewater pre-treatment inspections, on a variety of industrial and commercial establishments within their respective jurisdictions, including, but not limited to, retail food establishments, car washes, and carpet, drape & furniture cleaning establishments. The Permittees have agreed to notify Regional Board staff when conditions are observed during such inspections that appear to be in violation of either the Storm Water General Permits or a permit issued by the Regional Board.

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3. An evaluation of the Permittees' inspection programs during the 2002 MS4 Permit, indicated a wide range of compliance and non-compliance with the construction site and industrial and commercial facilities inspection requirements. In many instances, the facilities' return to compliance was not properly documented. This Order includes requirements for a more effective inspection program and includes a performance measure, time to return to compliance, as a metric for program effectiveness.

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I. ILLICIT CONNECTIONS/ ILLEGAL DISCHARGES (IC/ID)

1. Illegal Discharges to the MS4 can contribute to contamination (as defined in Appendix 4, Glossary) of Urban Runoff and other surface waters. During the term of the 1990 MS4 Permit, the underground MS4 facilities were inspected and only one Illicit Connection was identified. Open channels and other aboveground elements of the MS4 are inspected for evidence of Illegal Discharges as an element of routine maintenance by the Permittees. The Permittees also developed a program to prohibit IC/IDs to their MS4 facilities. Continued surveillance and enforcement of these programs are required to eliminate IC/IDs. The Permittees have a number of procedures in place to eliminate IC/IDs to the MS4, including construction, commercial, and industrial facility inspections, MS4 facility inspections, water quality monitoring and reporting programs, and public education.

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2. The Permittees have the authority to control Pollutants in Urban Runoff, to prohibit IC/ID, to control spills, and to require compliance and carry out inspections of the MS4 facilities within their respective jurisdictions. The Co-Permittees have been extended necessary legal authority through California statutes and local charters. Consistent with this statutory authority, each of the Co-Permittees have adopted their respective Storm Water Ordinances.

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3. Even though the Permittees have established the authority and the procedures to detect and eliminate IC/IDs, audits conducted during the term of the 2002 MS4 Permit indicated that this program element is generally carried out passively through complaint response. IC/IDs are also detected through inspection programs and maintenance activities. Reports from maintenance inspectors are also typically logged as complaints. This Order requires each Permittee to revise this program element based on the Center for Watershed Protection's Illegal Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments, or equivalent program.

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J. TECHNOLOGY-BASED EFFLUENT LIMITATIONS (Not Applicable)

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K. WATER QUALITY-BASED EFFLUENT LIMITATIONS (WQBELs) AND TMDL WLA

1. 40 CFR 122.44(d) requires that NPDES permits include WQBELs to attain and maintain applicable numeric and narrative water quality criteria to protect the Beneficial Uses of the receiving water. Where numeric water quality criteria have not been established, 40 CFR 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter. In *Defenders of Wildlife, et al v. Browner*, No. 98-71080 (9th Cir, October 1999), the Court held that the CWA does not require strict compliance with State Water Quality Standards for MS4 permits under section 301(b)(1)(C), but that at the same time, the CWA does give the permitting authority the discretion to incorporate appropriate water quality-based Effluent Limitations under another provision, CWA Section 402(p)(3)(B)(iii). The use of BMPs to control or abate the discharge of Pollutants is allowed by 40 CFR 122.44(k)(3) when Numeric Effluent Limitations are infeasible or when practices are reasonably necessary to achieve Effluent Limitations, and standards or to carry out the purposes and intent of the CWA. The legislative history and the preamble to the federal storm water regulations indicate that the Congress and the USEPA were aware of the difficulties in regulating Urban Runoff solely through traditional end-of-pipe treatment. It is the Regional Board's intent to require the Permittees to implement BMPs, consistent with the MEP standard in order to support attainment of Water Quality Standards. This Order includes Receiving Water Limitations based on Water Quality Objectives; it prohibits the creation of Nuisance and requires the reduction of water quality standards impairment in Receiving Waters. The Permit includes a procedure for determining whether Urban Runoff is causing or contributing to exceedances of Receiving Water Limitations and for evaluating whether DAMP must be revised to meet Water Quality Standards. The Order establishes an iterative process to determine compliance with the Receiving Water Limitations.

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2. To support attainment of Water Quality Standards, consistent with the MEP standards, this Order aims to reduce the discharge of Pollutants in Urban Runoff from the MS4 by requiring Permittees to:

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a. Implement BMPs at Permittee facilities and activities,

b. Require BMPs, including LID techniques, to be implemented at New Development and Significant Redevelopment project sites prior to accepting discharges into their MS4 facilities, where feasible,

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c. Implement and annually evaluate the DAMP and each Permittee's LIP for effectiveness in reducing Pollutants in Urban Runoff, and

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d. Perform monitoring and reporting to determine adequacy of BMPs within the Permit Area and compare the results to Basin Plan Water Quality Standards including applicable WLAs or interim goals and USEPA numeric benchmarks.

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3. This Order includes TMDL WLAs that are expressed as WQBELs. The TMDLs adopted by the Regional Board and approved by the State Board, Office of Administrative Law and the USEPA are incorporated into this Order. USEPA's Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits, 60 FR 43761 (Aug 26, 1996) recognizes the need for an iterative approach to control Pollutants in urban storm water discharges. Since the compliance dates for the TMDLs in this Order are outside the five year term of this Order, the Permittees are required to monitor and report effectiveness of the BMPs specified in the TMDL Implementation Plans and this Order in reducing pollutants to achieve compliance consistent with the TMDL Implementation Plan, with respect to Pollutant reduction goal(s) as one measure of progress towards attainment of WLAs in accordance with the compliance schedules specified in the TMDL. The two approved TMDLs within the Permit Area are described in Section F, above. These include the following:

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a. MSAR Bacterial Indicator TMDL

i. The TMDL relies on this Order to implement the WLAs for Urban Runoff.

ii. This Order requires the Permittees within the MSAR TMDL area to fully comply with the TMDL Implementation Plan. The TMDL Implementation Plan includes requirements for monitoring, and submittal of plans and schedules to implement short term solutions and develop long-term solutions to achieve TMDL compliance by the specified due dates.

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iii. There are two components in the MSAR TMDL (fecal coliform and E. coli). The Basin Plan currently does not have an established objective for E. coli. The work that is currently being done by SWQSTF is expected to make

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recommendations for the adoption of E. coli objectives and revised WLAs based on E.coli. This Order incorporates the current WLAs as WQBELs. If the WLAs are revised, this Order will be reopened to incorporate the new WLAs.

iv. Compliance determination with the WLAs will be based on the Permittees' implementation of BMPs in accordance with the TMDL Implementation Plans or as identified as a result of TMDL special studies approved by the Regional Board. If Water Quality Standards in the Impaired Receiving Waters are met through implementation of appropriate control measures, this would constitute compliance with the WLAs.

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b. Canyon Lake and Lake Elsinore Nutrient TMDLs

i. This Order is consistent with the urban WLAs specified in the Canyon Lake and Elsinore Nutrient TMDLs.

ii. Consistent with the TMDL Implementation Plan, this Order requires the Permittees to identify sources of Impairment, propose BMPs to address those sources, and to monitor, evaluate and revise BMPs based on the monitoring results. Specific TMDL Implementation Plan tasks are described in Chapter 5 of the Basin Plan and are assigned to one or more of the Permittees. Requirements of the TMDL Implementation Plan tasks are incorporated into this Order and Chapter 13 of the 2007 DAMP.

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iii. In Chapter 13 of the 2007 DAMP submitted with the ROWD, the Permittees have proposed BMP programs, consistent with the aforementioned TMDL Implementation Plan tasks.

iv. This Order also requires the Permittees to monitor at representative Urban Runoff monitoring locations defined in the CMP and TMDL Implementation Plan and to evaluate the effectiveness of BMPs implemented in the Permit Area in reducing Pollutants of Concern in Urban Runoff to determine progress towards attainment of WLAs by the specified due date.

v. The Regional Board recognizes that additional research is needed to determine the most appropriate control mechanism for controlling nutrients in these two lakes. This Order provides the Permittees the flexibility to meet the WLAs through a variety of techniques. Even though, the WLAs for Canyon Lake and Lake Elsinore Nutrient TMDLs are expressed as WQBELs, if Water Quality Standards in the Lakes are met through biological or other in-Lake control mechanisms, the Permittees' obligation to meet the WLAs is satisfied.

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L. WATER QUALITY CONTROL PLAN (BASIN PLAN)

1. The Regional Board adopted a revised Water Quality Control Plan for the Santa Ana River Basin (hereinafter Basin Plan) that became effective on January 24, 1995. The Basin Plan designates Beneficial Uses, establishes Water Quality Objectives, and contains implementation programs and policies to achieve those Water Quality Objectives for all waters in the Santa Ana Region addressed through the Plan.

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2. More recently, the Basin Plan was amended significantly to incorporate revised boundaries for groundwater subbasins, now termed "management zones", new nitrate-nitrogen and TDS objectives for the new management zones, and new nitrogen and TDS management strategies applicable to both surface and ground waters. This Basin Plan Amendment was adopted by the Regional Board on January 22, 2004. The State Board and the Office of Administrative Law (OAL) approved the amendment on September 30, 2004 and December 23, 2004, respectively. The USEPA approved the surface water standard and related provisions of the amendment on June 20, 2007.

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3. TDS and TIN limitations in Table 4-1 of the Basin Plan are specified in this Order for Permittees' discharges subject to the de minimus permit. Where dry weather flows are identified as part of the IC/ID program element, this Order also requires Permittees to establish their baseline discharge concentration for dry weather conditions.

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4. As discussed in Section K, Water Quality Based Effluent Limitations, the Basin Plan has been amended to incorporate several TMDLs and TMDL Implementation Plans, adopted for waterbodies within the Permit Area. In addition, the Basin Plan implements State Board Resolution 88-63, which established a state policy that all waters, with certain exceptions, are suitable or potentially suitable for municipal or domestic water supply. Thus, as discussed in detail in the Fact Sheet, Beneficial Uses recognized in the Basin Plan for Receiving Waters in the Permit Area are as follows:

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- a. Municipal and Domestic Supply,
- b. Agricultural Supply,
- c. Industrial Service Supply,
- d. Industrial Process Supply,
- e. Groundwater Recharge,
- f. Hydropower Generation,
- g. Water Contact Recreation,
- h. Non-contact Water Recreation,

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- i. Warm Freshwater Habitat,
- j. Limited Warm Freshwater Habitat,
- k. Cold Freshwater Habitat,
- l. Preservation of Biological Habitats of Special Significance,
- m. Wildlife Habitat,
- n. Rare, Threatened or Endangered Species, and
- o. Spawning, Reproduction, and Development

5. The existing and potential Beneficial Uses of groundwater that could be impacted by the discharge of Urban Runoff within the Permit Area include one or more of the following:

- a. Municipal and Domestic Supply,
- b. Agricultural Supply,
- c. Industrial Service Supply, and
- d. Industrial Process Supply

6. The Basin Plan also incorporates by reference all State Board water quality control plans and policies including the 1990 Water Quality Control Plan for Ocean Waters of California (Ocean Plan) and the 1974 Water Quality Control Policy for Enclosed Bays and Estuaries of California (Enclosed Bays and Estuaries Policy). Water quality objectives specified in the Basin Plan are local numeric and narrative objectives that may be more stringent than the national or statewide water quality criteria.

M. NATIONAL TOXICS RULE (NTR) AND CALIFORNIA TOXICS RULE (CTR)

NTR and CTR are blanket water quality criteria that apply to all surface water discharges. However, the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* states that the Policy does not apply to regulation of storm water discharges. Regional Board believes that compliance with Water Quality Standards, through implementation of BMPs is appropriate for regulating Urban Runoff. The USEPA articulated this position on the use of BMPs in storm water permits in the policy memorandum entitled, "Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits" (61 FR 43761, August 9, 1996).²¹

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N. STATE IMPLEMENTATION POLICY (SIP)

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²¹ See discussions on Wet Weather Flows in the Federal Register/Vol. 65, No. 97/Thursday, May 18, 2000/Rules and Regulations

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See Section M, above.

O. COMPLIANCE SCHEDULES AND INTERIM REQUIREMENTS

The Basin Plan contains schedules for achieving compliance with WLAs for bacterial indicators in the Middle Santa Ana River watershed and nutrients in the San Jacinto watershed (Canyon Lake/Lake Elsinore). It is appropriate to require Permittees within the Permit Area to comply with those time schedules for various deliverables as specified in the approved TMDL Implementation Plans. Additionally, since the TMDL compliance dates are outside the term of this MS4 Permit, it is also appropriate to require the Permittees to monitor and report the effectiveness of BMPs implemented in the Permit Area to evaluate progress towards attainment of WLAs by the time schedules specified in the adopted TMDLs. This Order includes the schedules for deliverables as part of the TMDL Implementation Plans, as well as a requirement to monitor the effectiveness of BMPs in the Permit Area in reducing Pollutant discharges and to report progress towards compliance with the TMDL WLAs by the compliance dates.

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P. ANTIDEGRADATION POLICY

40 CFR 131.12 requires that State Water Quality Standards include an antidegradation policy consistent with the federal policy. The State Board established California's antidegradation policy in Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. As discussed in detail in the Fact Sheet (see sections IV and V), the permitted discharges are consistent with the antidegradation provisions of 40 CFR 131.12 and State Board Resolution No. 68-16.

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Q. ANTI-BACKSLIDING

Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require Effluent Limitations in a reissued NPDES permit to be as stringent as those in the previous permit, with some exceptions where Effluent Limitations may be relaxed. All Effluent Limitations in this Order are at least as stringent as the Effluent Limitations in the 2002 order.

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R. PUBLIC EDUCATION/PARTICIPATION

1. Public participation during the development of Urban Runoff management programs and implementation plans is necessary to ensure that all stakeholder interests and a variety of creative solutions are considered. In addition, the federal

storm water regulations require public participation in the development and implementation of the Urban Runoff management program. As such, the Permittees are required to solicit and consider all comments received from the public and submit copies of the comments to the Executive Officer of the Regional Board with the Annual Reports. In response to public comments, the Permittees may modify reports, plans, or schedules prior to submittal to the Executive Officer.

2. There are Pollutants in Urban Runoff from privately owned and operated facilities such as residences, businesses and commercial establishments and public and private institutions. A successful NPDES MS4 permit program should include the participation and cooperation of public entities, private businesses, and public and private institutions. Therefore, public education is a critical element of the DAMP. As the population increases in the Permit Area, it will be even more important to continue to educate the public regarding the impact of human activities on the quality of Urban Runoff.

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3. In addition to the Regional Board, a number of other stakeholders are involved in the management of the water resources of the Region. These include, but are not limited to, the incorporated cities in the Region, POTWs, the three counties, and the Santa Ana Watershed Project Authority and its member agencies. The entities listed in Appendix 2 are considered as potential dischargers of Urban Runoff in the Permit Area. It is expected that these entities will also work cooperatively with the Permittees to manage Urban Runoff. The Regional Board, pursuant to 40 CFR 122.26(a), has the discretion and authority to require non-cooperating entities to participate in this Order or to issue individual MS4 permits. The Permittees may request the Regional Board to issue a separate NPDES Permit to any discharger into MS4 facilities they own or operate.

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4. Cooperation and coordination among the stakeholders (regulators, Permittees, the public, and other entities) are critical to optimize the use of finite public resources and ensure economical management of water quality in the Region. Recognizing this fact, this Order focuses on integrated watershed management and seeks to integrate the programs of the stakeholders, especially the holders of the three MS4 permits within the Regional Board's jurisdiction.

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5. Education is an important aspect of every effective Urban Runoff management program and the basis for changes in behavior at a societal level. Education of municipal planning, inspection, and maintenance department staff is especially critical to ensure that in-house staff understand how their activities impact water quality, how to accomplish their jobs while protecting water quality, and their specific roles and responsibilities for compliance with this Order. Public education, designed to target various urban land users and other audiences, is also essential to inform the public of how individual actions affect receiving water quality and how adverse effects can be minimized.

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6. Some Urban Runoff issues, such as public education and training, can be effectively addressed on a regional or statewide basis. Regional approaches to Urban Runoff management can improve program consistency and promote sharing of resources, which can result in implementation of more efficient programs. In particular the counties of San Bernardino and Riverside and their collective municipalities are encouraged to cooperatively work together and generate a unified education and training program.

S. PERMITTEE FACILITIES AND ACTIVITIES

1. The Permittees own/operate facilities where industrial or related activities take place that may have an impact on Urban Runoff quality. Some of the Permittees enter into contracts with outside parties to carry out activities that may also have an impact on Urban Runoff quality. These facilities and related activities include, but are not limited to, street sweeping, catch basin cleaning, maintenance yards, vehicle and equipment maintenance areas, waste transfer stations, corporation and storage yards, parks and recreational facilities, landscape and swimming pool maintenance activities, MS4 maintenance activities and the application of herbicides, algacides and pesticides.

2. This Order requires continued implementation of BMPs intended to reduce ~~Pollutant discharges from those Permittee activities/facilities that are found to be significant sources of Pollutants in Urban Runoff.~~ This Order prohibits non-storm water discharges from facilities owned or operated by the Permittees unless the discharges are exempt under Section VI of this Order or are permitted by the Regional Board under an individual NPDES permit.

3. Program evaluations conducted during the term of the 2002 MS4 Permit indicated varying degrees of compliance/noncompliance at ~~Permittee~~ facilities and activities. This Order requires each Permittee to ~~review its~~ inventory of ~~fixed~~ facilities, field operations and drainage facilities to ensure that ~~Permittee~~ facilities do not cause or contribute to a ~~Pollution or Nuisance in Receiving Waters.~~ ~~Permittee~~ fixed public facilities and field operations are to be ~~inspected annually.~~

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I. MUNICIPAL CONSTRUCTION PROJECTS

1. The 2002 MS4 Permit authorized the discharge of storm water from construction activities on an acre or more, that are under ownership or direct responsibility of the Permittees. Permittees were required to notify the Regional Board prior to commencement of construction activities, and to comply with the latest Statewide General Construction Permit. Permittees were also required to develop a SWPPP and monitoring program specific to the construction site. Program evaluations conducted during the term of the 2002 MS4 Permit indicated that some Permittees

were not submitting or were not aware of the requirement to submit a Notice of Intent and subsequent Notice of Termination for Permittee construction projects. This Order continues the notification requirement.

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2. This Order builds upon the requirement of the 2002 MS4 Permit by requiring Permittees to include post-construction BMP information for Permittee projects meeting WQMP and General Construction Permit criteria along with the Notice of Termination submitted to the Executive Officer upon completion of the construction activity. The Notice of Termination must include photographs of the completed project, a site map including structural post-construction BMP locations, long term operation and maintenance responsibility information, field verification report and copies of the final field verification reports required under Section XII, Permittees are required to develop a database of post-construction BMPs per Section XI.K.4, for which they are responsible and reference this database in the LIPs.

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3. Emergency Permittee public works projects required to protect public health and safety are exempted from these requirements, until the emergency ends, at which time they need to comply with the requirements.

U. MONITORING AND REPORTING

1. 40 CFR 122.48 requires that all NPDES permits specify requirements for monitoring and reporting. Sections 13267 and 13383 of the CWC authorize the Regional Board to require technical and monitoring reports. The Monitoring and Reporting Program, Attachment 3, establishes monitoring and reporting requirements to implement federal and State requirements.

2. An effective monitoring program characterizes Urban Runoff, identifies problem areas, and determines the impact of Urban Runoff on receiving waters and the effectiveness of BMPs. The Principal Permittee administers the Consolidated Program for Water Quality Monitoring²² (CMP) for the Permittees. The CMP includes wet and dry weather monitoring of MS4 Outfalls and Receiving Waters throughout Riverside County.

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3. The Regional Board recognizes the importance of watershed management efforts and regional planning and coordination in the development and implementation of programs and policies related to Receiving Water, quality protection, including the Urban Runoff program and TMDL processes. In light of recent TMDLs that have been developed and the expectation of future TMDLs, this Order allows, the Permittees to develop a Coordinated Watershed Monitoring Plan that shows the nexus among various Urban Runoff, related monitoring programs that the Permittees are participating and the MS4 permit requirements including but not

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²² Consolidated Program for Water Quality Monitoring, Riverside County Flood Control and Water Conservation District, March 1994.

limited to WLA pre-compliance, BMP effectiveness, urban source and trend evaluation, Receiving Water quality and Hydromodification effects monitoring as part of the requirements of the Monitoring and Reporting Program.

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4. Multiple entities, such as POTWs, MS4, CAFOs, and other permitted and non-permitted dischargers, discharge into the same water bodies. The discharges from these various sources could potentially affect the water quality of these water bodies even when these dischargers are complying with their discharge permits. Monitoring the Receiving Waters, where these multiple types of discharges take place is necessary to determine these water bodies' compliance with Water Quality Objectives and their attainment of Beneficial Uses.

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5. In the past, multiple entities have individually monitored the water bodies receiving their discharges to determine impacts to these waters from their discharges. The monitoring has resulted in fragmented data that is inconsistent in quality, and that has potentially resulted in duplication of resources.

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6. The Storm Water Monitoring Coalition's "Model Monitoring Program for Municipal Separate Storm Sewer Systems in Southern California", August 2004 Technical Report #419 indicated that "...the lack of mass emissions stations in the inland counties hampers their ability to estimate the proportional contribution of these inland areas to cumulative loads downstream." The coalition consists of representatives from the Counties of Ventura, Los Angeles, Orange, San Bernardino, Riverside, and San Diego and the City of Long Beach. Consistent with this coordinated effort, this Order includes requirements for mass emissions monitoring.

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7. Every two years, the Regional Board will assess readily available data to determine if the water bodies within its jurisdiction comply with the Water Quality Objectives and attain the assigned Beneficial Uses. The data reviewed for the assessment comes from sources such as municipalities, POTWs, individual public submittals, TMDL monitoring, and special studies. The data necessary for the assessment is of known and documented quality and generated under the auspices of a Quality Assurance Project Plan (QAPP). The data also is required to be statistically sufficient to assess if the water body is meeting Water Quality Objectives and to determine if water quality is declining over time.

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8. A coordinated monitoring effort is needed for each sub-watershed in the Santa Ana Region that will provide statistically sufficient data. These data should be collected with appropriate quality control and quality assurance programs and should be made available in an electronic format to meet assessment objectives.

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9. The Regional Board has identified sub-watersheds in the Santa Ana Region where potential duplication of effort is taking place. These sub-watersheds include: the

Upper Santa Ana River watershed, Middle Santa Ana River watershed, Lower Santa Ana River watershed, and the San Jacinto River watershed.

10. Regional Board staff proposes to require the various entities discharging into the waterbodies in these sub-watersheds to coordinate monitoring efforts, prepare, submit for approval, and implement a watershed monitoring plan; a QAPP, and a data management, validation, verification mechanism in order to meet the assessment objectives.

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11. Under the direction of the MS4, permittees in Southern California, the Southern California Coastal Water Research Project is coordinating a watershed monitoring effort in Southern California. The Santa Ana Region is included in their monitoring effort. This effort will potentially produce data that will meet the needs of the Regional Board in assessing water quality. This Order requires the Permittees to continue their participation in this regional effort.

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V. STANDARD AND SPECIAL PROVISIONS

The dischargers must comply with all standard provisions and with those additional conditions that are applicable under Federal NPDES Regulations 40 CFR122.41 and 40 CFR 122.42.

W. NOTIFICATION OF INTERESTED PARTIES

The Regional Board has notified the dischargers and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet for this Order.

X. CONSIDERATION OF PUBLIC COMMENT

The Regional Board has notified the Permittees, all known interested parties, and the public of its intent to issue Waste Discharge Requirements for this discharge and has provided them with an opportunity to submit their written views and recommendations.

The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and the requirements of this Order. Details of the Public Hearing are provided in the Fact Sheet for this Order.

Y. ALASKA RULE

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On March 30, 2000, USEPA revised its regulation that specifies when new and revised State and Tribal water quality standards become effective for CWA purposes (40 CFR 131.21, 65 FR 24641, April 27, 2000). Under the revised regulation (also known as the Alaska rule), USEPA must approve new and revised water quality standards submitted to USEPA after May 30, 2000 before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

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Z. COMPLIANCE WITH CZARA

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The Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), Section 6217(g), requires coastal states with approved coastal zone management programs to address non-point source Pollution impacting or threatening coastal water quality. CZARA addresses five sources of non-point pollution: agriculture, silviculture, urban, marinas, and Hydromodification. This Order addresses the management measures required for the urban category, with the exception of septic systems. Compliance with requirements specified in this Order relieves the Permittees for developing a non-point source plan, for the urban category, under CZARA. The Regional Board addresses septic systems through the administration of other programs.

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AA. NON-POINT SOURCE (NPS) DISCHARGES

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Consistent with the State Board's 2004 "Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program," the Regional Board may issue Waste Discharge Requirements for non-point source (NPS) Pollutant discharges, such as agricultural irrigation runoff or return flows that are not subject to NPDES requirements, if identified as a significant source of Pollutants. In addition, if the water quality significance of NPS discharges is not clearly understood, the Regional Board may issue conditional waivers of Waste Discharge Requirements to NPS dischargers, and require monitoring to gather the information necessary to effectively manage these discharges.

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BB. STRINGENCY REQUIREMENTS FOR INDIVIDUAL POLLUTANTS. (N/A)

CC. FISCAL RESOURCES

California is experiencing a fiscal crisis unprecedented since the Great Depression. The June 2009 unemployment rate is 11.6 percent in California and 13.9 percent in

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Riverside County.²³ The Federal Reserve projected that the national unemployment rate, currently at a 26-year high of 9.5 percent, will pass 10 percent by the end of the year. Most federal policymakers said it could take "five or six years" for the economy and the labor market to get back on a path of long-term health.²⁴ State and local governments are experiencing significant budgetary shortfalls and are reducing staffing and programs across the board. Given this economic environment, priority will be given to preserving the most essential elements of existing Urban Runoff programs and identifying and implementing strategies to improve the efficiency of existing programs in protecting Receiving Waters.

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PERMIT REQUIREMENTS:

IT IS HEREBY ORDERED that the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, and Wildomar, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted thereunder, and the provisions of the CWA, as amended, and the regulations and guidelines adopted there under, must comply with the following:

III. PERMITTEE RESPONSIBILITIES:

A. RESPONSIBILITIES OF THE PRINCIPAL PERMITTEE:

1. The Principal Permittee shall be responsible for managing the overall Urban Runoff program and shall:
 - a. Coordinate revisions to the DAMP.
 - b. Implement area-wide management programs, monitoring and reporting programs, and related plans as required by this Order.
 - c. Coordinate chemical and biological water quality monitoring and any other monitoring as required by the Executive Officer.
 - d. Prepare, coordinate the preparation of, and submit to the Executive Officer, those reports and programs necessary to comply with this Order.
 - e. Provide staff support to the Management Steering Committee (Appendix 4, Glossary) to address Urban Runoff management policies for the Permit Area

²³ Employment Development Department, State of California, July 17, 2009.
[http://www.calmis.ca.gov/file/1fmonth/rive\\$pds.pdf](http://www.calmis.ca.gov/file/1fmonth/rive$pds.pdf)

²⁴ http://www.msnbc.msn.com/id/31963779/ns/business-stocks_and_economy/

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and coordinate the review, and necessary revisions to the DAMP and Implementation Agreement. The Management Steering Committee will continue to meet consistent with the requirements of Section XVII.D. of this Order.

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- f. Coordinate and conduct Technical Committee (Appendix 4) meetings consistent with the requirements of Section XVII.D. of his Order. The Technical Committee will continue to direct the development of the DAMP and coordinate the implementation of the overall Urban Runoff program.

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- g. Take the lead role in initiating and developing area-wide programs and activities necessary to comply with this Order.

- h. Coordinate activities and participate in committees/subcommittees formed to comply with this Order.

- i. Coordinate the implementation of this Order with the Regional Board and Co-Permittees, including the submittal of joint reports, plans, and programs as required under this Order.

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- j. Provide technical and administrative support to the Co-Permittees, including informing them of the status of known pertinent municipal programs, pilot projects, and research studies.

- k. Coordinate with the Co-Permittees the implementation and necessary updates to Urban Runoff quality management programs, monitoring and reporting programs, implementation plans, public education, other Pollution Prevention measures, household hazardous waste collection, and BMPs outlined in the DAMP and take other actions consistent with the MEP standard.

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- l. Gather and disseminate information on the status of statewide Urban Runoff programs and evaluate the information for potential use in the execution of this Order. Hold workshops focused on Urban Runoff regulatory requirements, BMPs, and other related topics.

- m. Compile information provided by the Co-Permittees and determine the effectiveness of the overall Urban Runoff program in attaining Receiving Water Quality Standards. This determination must include a comparative analysis of monitoring data to the applicable Water Quality Objectives for Receiving Waters as specified in Chapter 4 of the Basin Plan.

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- n. Solicit and coordinate public input for major changes to the Urban Runoff management programs and the implementation thereof.

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- o. Coordinate the development and implementation of procedures, and performance standards, ~~to~~ assist in the consistent implementation of BMPs consistent with the MEP standard, as well as Urban Runoff management programs, among the Co-Permittees.

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- p. Participate in watershed management programs and regional and/or statewide monitoring and reporting programs.

- q. In collaboration with the Co-Permittees, other MS4 Programs and/or CASQA, develop guidelines for defining expertise and competencies of storm water program managers and inspectors and develop and submit for approval a training program for various positions in accordance with these guidelines and Section ~~XV~~ of this Order.

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- r. Within 6 months of adoption of this Order, the Principal Permittee shall develop a library of BMP performance reports, and revise the library annually thereafter. At a minimum, ~~obsolete~~ performance reports ~~should be removed~~ and updated reports from ~~the Permittees~~, CalTrans, ~~CASQA~~, ASCE or other appropriate sources that include more effective and proven BMPs ~~should be added~~. The library may use national, statewide or regional ~~reports~~. The purpose of this library is to facilitate the Permittees approval of BMPs, review and approval of WQMPs, etc.

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2. The activities of the Principal Permittee shall also include, but not be limited to, the following for MS4 owned or operated by the Principal Permittee:

- a. ~~To cause appropriate~~ enforcement actions as necessary ~~against IC/IDs to~~ its MS4 to ensure compliance with ~~Urban Runoff~~ management programs, ordinances and implementation plans, including ~~physical~~ removal of ~~Illicit Connections~~ and prohibition of ~~Illegal Discharges~~.

- b. Ensure that encroachment permits ~~for permanent connection~~ to its MS4 ~~facilities~~ ~~notify applicants in writing of their obligations~~ to comply with ~~Storm Water Ordinances~~, WQMP, and General Stormwater Permit requirements. The Principal Permittee shall ~~make sure~~ that encroachment ~~activities within the limits~~ of its rights-of-way comply with the General Construction Permit post construction standards. An encroachment project with reviewed and approved by the Co-Permittee with jurisdictional authority ~~constitutes compliance with the General Construction Permit post construction requirements~~²⁵.

²⁵ The State General Construction Permit Section XII

c. Conduct inspections and maintain the MS4 facilities over which it has jurisdiction.

d. Review and revise, if necessary, those agreements to which it is a party and those regulations and policies it deems necessary to provide adequate legal authority to maintain the MS4 facilities for which it has jurisdiction and to take those actions required of it by this Order and the federal Storm Water Regulations (see Section VIII);

e. Monitor, document, and report that appropriate enforcement actions against Illegal Discharges to the MS4 facilities for which it has jurisdiction are taken and pursued as necessary to ensure compliance with Urban Runoff management programs, implementation plans, and regulations and policies, including physical elimination of IC/IDs (see Section IX);

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f. Continue to respond or cause the appropriate entity or agency to respond to emergency situations such as accidental spills, leaks, and IC/IDs to prevent or reduce the discharge of Pollutants to its MS4 facilities and to the Receiving Waters (see Section XVI).

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g. Track, monitor, and keep training records of all personnel involved in the implementation of the Principal Permittee's Urban Runoff program.

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B. RESPONSIBILITIES OF THE CO-PERMITTEES:

1. Each Co-Permittee shall complete a LIP, in conformance with Section IV of this Order and the approved LIP template.

2. Each Co-Permittee shall be responsible for managing the Urban Runoff program within its jurisdiction and shall:

a. Maintain adequate legal authority to control the contribution of Pollutants to the MS4 and enforce those authorities.

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b. Conduct inspections of and maintain its MS4 facilities in accordance with the criteria developed pursuant to Section XIV.

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c. Continue to implement management programs, monitoring and reporting programs, appropriate BMPs listed in the DAMP and LIP, and related plans as required by this Order and take such other actions consistent with the MEP standard.

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d. Continue to seek sufficient funding for the area-wide Urban Runoff management plan, local Urban Runoff program management, Urban Runoff enforcement, public outreach and education activities and other Urban Runoff related program implementation.

e. Continue to coordinate with other ~~public~~ agencies as appropriate, to facilitate the implementation of this Order and the DAMP/LIP.

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f. Ensure that applicants for encroachment permits for permanent connection to Permittee MS4 facilities notify applicants of their obligations to comply with Storm Water Ordinances, WQMP, and the State General Construction Permit post construction standards. The Permittees shall enforce their Storm Water Ordinances to the extent of their legal authority. A encroachment project reviewed and approved by the Co-Permittee who owns the MS4 constitutes compliance with the General Construction Permit post construction requirements²⁶.

g. Maintain up-to-date MS4 facility maps. Annually review these maps and if necessary, submit revised maps to the Principal Permittee with the information required for preparation of the Annual Report.

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<#>Obtain public input for any proposed major changes to its urban storm water management program and implementation plans. ¶

h. Prepare and submit to the Principal Permittee in a timely manner specific reports/information, related to the Co-Permittees' Urban Runoff program, necessary to develop an Annual Report for submittal to the Executive Officer.

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3. The Co-Permittees' activities shall include, but not be limited to, the following:

a. Participate in the Management Steering Committee and the Technical Committee meetings consistent with the requirements of Section XVII.D of this Order.

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b. Conduct and coordinate with the Principal Permittee surveys and monitoring needed to identify Pollutant sources and drainage area characteristics within its jurisdiction. Where an Illegal Discharge crosses jurisdictional boundaries, to the extent feasible coordinate with neighboring jurisdictions to locate and end the Illegal Discharge.

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c. Prepare and submit reports to the Principal Permittee to facilitate compilation of joint reports to the Regional Board in compliance with submittal deadlines.

²⁶ The State General Construction Permit Section XII

d. ~~Participate in the development~~ and implementation of plans, strategies, management programs, monitoring and reporting programs ~~that are proposed~~ by the Principal Permittee, Technical Committee, or the Management Steering Committee to comply with this Order.

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e. Participate in subcommittees formed by the Principal Permittee, Technical Committee, or the Management Steering Committee to comply with this Order.

f. Respond to or arrange for the appropriate entity or agency to respond to emergency situations such as accidental spills, leaks, IC/IDs, etc., to prevent or reduce the discharge of ~~P~~ollutants to their MS4 facilities and the Receiving Waters.

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g. Continue to pursue enforcement actions as necessary within its jurisdiction for violations of ~~Storm Water Ordinances~~, and other elements of its Urban Runoff management program.

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C. IMPLEMENTATION AGREEMENT

~~In accordance with the scheduling requirement specified in Section III.A.1.f, The Permittees shall allow any cities that were not signatories to the original Implementation Agreement but have been subsequently added to this Order to participate in the Implementation Agreement. The Permittees must also annually review evaluate their Implementation Agreement and determine the need, if any, for additional revision. Beginning with the first Annual Report after adoption of this Order the Permittees following the evaluation completion date for the review must include the findings of this review and a schedule for any necessary revision(s) to the Implementation Agreement, if any. A copy of the signature page and any revisions to the Agreement shall be included in the Annual Report.~~

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IV. LOCAL IMPLEMENTATION PLAN:

A. Within 6 months of adoption of this Order, the ~~Principal Permittee, in coordination with the Co-Permittees, Permittees~~ shall develop and submit for approval of the Executive Officer a Local Implementation Plan (LIP) template. The LIP template shall be amended as the provisions of the DAMP are amended to address the requirements of this Order. The LIP template shall facilitate a description of the Co-Permittee's individual programs to implement the DAMP and address:

Deleted: <#>The existing Implementation Agreement shall be reviewed and revised, if necessary, to include any cities that were not signatories to this agreement but have been subsequently added to this Order within 12 months of adoption of this Order. A copy of the signature page and any revisions to the Agreement shall be included in the annual report.¶

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1. A description of how each program element of the DAMP shall be implemented, including the organizational units responsible for implementation and identify

positions responsible for Urban Runoff program implementation. The description shall specifically address:

a. Overall program management, including internal reporting requirements and procedures for communication and accountability;

- i. Interagency or interdepartmental agreements necessary to implement the Permittee's Urban Runoff program
- ii. A summary of fiscal resources available to implement the Urban Runoff program;
- iii. The ordinances, agreements, plans, policies, procedures and tools (e.g. checklists, forms, educational materials, etc.) used to execute the DAMP, including legal authorities and enforcement tools.
- iv. Summarize procedures for maintaining databases required by the Permit;
- v. Describe internal procedures to ensure and promote accountability;

b. Water Quality Based Effluent Limitations – Total Maximum Daily Loads (TMDLs) (Section VI.D);

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c. Receiving Water Limitations (Section VII.D). Legal authority/enforcement (Section VIII)

- i. Identify enforcement procedures and actions and procedures for tracking return to compliance;

d. Illicit Connections/Illegal Discharges (IC/ID); Litter, Debris and Trash Control (Section IX).

- i. Procedures and the staff positions responsible for different components of their IC/ID and IDDE programs.

e. Sewage Spills, Infiltration into the MS4 Systems from Leaking Sanitary Sewer Lines, Septic System Failures, and Portable Toilet (Section X)

- i. A description of the interagency or interdepartmental sewer spill response coordination within each Permittee's jurisdiction.

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f. CO-PERMITTEE inspection programs(Section XI).

- i. Maintenance of Construction, Industrial, Commercial, and Post-Construction BMP databases;
- ii. Procedures for incorporating erosion and sediment control BMPs into the permitting of Construction Sites (Section XI.B)
- iii. Implementation of the Residential Program (Section XI.E.)
- iv. Specify the verification procedure(s) and any tools utilized to verify that coverage under the General Construction Permit;

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g. New Development (Including Significant Redevelopment) (Section XII)

- i. A list of discretionary maps and permits over which the Permittee has the authority to require WQMPs;
- ii. Permittee procedures to implement the Hydromodification management plan
- iii. Permittee procedures and tools to implement the WQMP. (Sections XII.H, XII.I & XII.K)
- iv. Permittee procedures for Municipal Road Projects (Section XII.F).
- v. A description of the credits programs or other in-lieu programs implemented (Section XII.G).

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h. Public education and outreach (Section XIII)

i. Permittee Facilities and Activities (Section XIV)

- i. A description of the Permittee's MS4 facilities;
- ii. At a minimum a list of facilities that include the following:
 - a) Parking facilities;
 - b) Fire fighting training facilities;
 - c) Facilities and activities discharging directly to environmentally sensitive areas such as 303(d) listed waterbodies or those with a RARE beneficial use designation;
 - d) Publicly owned treatment works (including water and wastewater treatment plants) and sanitary sewage collection systems;
 - e) Solid waste transfer facilities;
 - f) Land application sites;
 - g) Corporate yards including maintenance and storage yards for materials, waste, equipment and vehicles;
 - h) Household hazardous waste collection facilities;
 - i) Municipal airfields;
 - j) Maintenance Facilities serving parks and recreation facilities;
 - k) Special event venues following special events (festivals, sporting events);
 - l) Other municipal areas and activities that the Permittee determines to be a potential source of pollutants.

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j. Training Program for Storm Water Managers, Planners, Inspectors and Municipal Contractors (Section XV);

i. Training log forms

ii. Identify departments and positions requiring training

k. Compliance of Permittee Facilities and Activities with the General Construction Permit and De-Minimus Permit (Section XIV.G).

B. Within 12 months of approval of the LIP template, and amendments thereof, by the Executive Officer, each Permittee shall complete a LIP²⁷, in conformance with the LIP template. The LIP shall be signed by the principal executive officer or ranking elected official or their duly authorized representative pursuant to Section XX.M of this Order.

C. Each Permittee shall annually review and evaluate the effectiveness of its Urban Runoff programs to determine the need for revisions to its LIP as necessary in compliance with Sections VIII.H. of this Order, and document revisions in the Annual Report.

V. DISCHARGE PROHIBITIONS:

A. In accordance with the requirements of 40 CFR 122.26(d)(2)(i)B) and 40 CFR 122.26(d)(2)(i)(F), the Permittees shall prohibit IC/IDs, (see Appendix 4) from entering the MS4.

B. The discharge of Urban Runoff from the MS4 to Receiving Waters containing Pollutants, including trash and debris, that have not been reduced consistent with the MEP standard is prohibited.

C. Non-Storm Water discharges from public agency activities into Waters of the U.S. are prohibited unless the Non-storm Water discharges are permitted by a NPDES permit, granted a waiver, or, as otherwise specified in Section VI, below.

D. Discharges from the MS4 shall be in compliance with the discharge prohibitions contained in Chapter 5 of the Basin Plan.

²⁷ As the Principal Permittee is not a general purpose government, some portions of the NPDES MS4 Program may not be applicable to it. The Principal Permittee should identify the basis for its exclusion from the applicable program elements in the appropriate LIP section.

³¹ Allowed discharges only if the source water drained from the foundation is storm water or uncontaminated groundwater. Discharges from contaminated groundwater may require coverage under the De Minimus Permit (Order No. R8-2003-0061, NPDES Permit No CAG998001)31 or its latest version.

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E. Discharges of Urban Runoff from the Permittee's MS4 shall not cause, or contribute, to a condition of Pollution, Contamination, or Nuisance (as defined in CWC Section 13050).

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¶<#>The disposal of pollutants onto public or private land is prohibited.¶

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F. The discharge of any substances in concentrations toxic to animal or plant life is prohibited.

VI. EFFLUENT LIMITATIONS, DISCHARGE SPECIFICATIONS AND OTHER TMDL RELATED REQUIREMENTS

For purposes of this Order, a discharge may include storm water or other types of discharges identified below.

A. ALLOWED DISCHARGES:

The discharges identified need not be prohibited by the Permittees unless identified by the Permittees or the Executive Officer as a significant source of Pollutants. The DAMP shall include public education and outreach activities directed at reducing these discharges even if they are not substantial contributors of Pollutants to the MS4.

1. Discharges composed entirely of storm water;
2. Air conditioning condensate;
3. Irrigation water from agricultural sources ;
4. Discharges covered by a NPDES Permit, Waste Discharge Requirements, or waivers issued by the Regional Board or State Board.
5. Discharges from landscape irrigation, lawn/garden watering and other irrigation waters; These shall be minimized through public education and water conservation efforts, as prescribed under this Order Section XI.E., Residential Program.
6. Passive foundation drains³¹;
7. Passive footing drains³²;
8. Water from crawl space pumps³³;
9. Non-commercial vehicle washing, (e.g. residential car washing (excluding engine degreasing) and car washing fundraisers by non-profit organization);
10. Dechlorinated swimming pool discharges (cleaning wastewater and filter backwash shall not be discharged into the MS4 or to Waters of the U.S.)
11. Diverted stream flows³⁴;

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³² See footnote 27, above.

³³ Allowed discharges only if the discharge is uncontaminated, otherwise permit coverage under the De Minimis Permit or Order No. 2006-0008-DWQ (NPDES No. CAG990002), General NPDES Permit for Discharges from Utility Vaults and Underground Structures to Surface Waters (General Permit-Utility Vaults).

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12. Rising ground waters³⁵ and natural springs;
13. Uncontaminated ground water infiltration as defined in 40 CFR 35.2005 (20) and uncontaminated pumped groundwater (as defined in Appendix 4, glossary),
14. Flows from riparian habitats and wetlands;
15. Emergency fire fighting flows (i.e., flows necessary for the protection of life and property do not require BMPs and need not be prohibited. However, appropriate BMPs to reduce the discharge of Pollutants to the MEP must be implemented when they do not interfere with health and safety issues [see also Appendix K of the DAMPI],
16. Waters not otherwise containing Wastes as defined in California Water Code Section 13050 (d), and
17. Other types of discharges identified and recommended by the Permittees and approved by the Regional Board.

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When types of discharges listed above are identified as a significant source of Pollutants to Waters of the U.S., a Permittee must either: prohibit the discharge category from entering the MS4 or ensure that Source Control BMPs and Treatment Control BMPs are implemented to reduce or eliminate pollutants resulting from the discharge. The Permittees shall evaluate the permitted discharges, as listed above to determine if any are a significant source of Pollutants to the MS4 and notify the Executive Officer if any are a significant source of Pollutants to the MS4.

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B. DISCHARGE SPECIFICATIONS FOR DISCHARGES FROM PERMITTEE OWNED AND/OR OPERATED FACILITIES AND ACTIVITIES - DE-MINIMUS DISCHARGES³⁶ :

The following types of discharges from Permittee owned and/or operated facilities and activities, are authorized by this Order provided they are in compliance with the terms and conditions of the General De Minimus Permit except that separate coverage under that permit is not required.

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Deleted: de minimus types of discharges listed in the General De Minimus Permit for Discharges to Surface Waters, Order NO. R8-2009-0003³⁷, NPDES No. CAG 998001 (General De Minimus Permit). These discharges shall be

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1. *Discharges from potable water sources, including water line flushing, superchlorinated water line flushing, fire hydrant system flushing, and hydrostatic test water from pipelines, tanks and vessels:* These discharges shall be

³⁴ Diversion of stream flows that encroach into Waters of the US requires a 404 permit from the US Army Corps of Engineers and a 401 Water Quality Certification from the Regional Board. Stream diversion that requires active pumping also requires coverage under the De Minimus Permit.

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³⁵ Discharge of rising ground water and natural springs into surface water is only allowed if groundwater is uncontaminated. Otherwise, coverage under the De Minimus Permit may be required.

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³⁶ General De Minimus Permit for Discharges to Surface Waters, Order NO. R8-2009-0003, NPDES No. CAG 998001 (General De Minimus Permit).

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³⁸ Total residual chlorine = 0.1 mg/l or parts per million (ppm) or less; compliance determination shall be at a point before the discharge mixes with any Receiving Water.

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dechlorinated to a concentration of 0.1 ppm³⁸ or less, pH adjusted if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments.

2. Discharges from lawn, greenbelt and median watering and other irrigation runoff³⁹ from non-agricultural operations: These discharges shall be minimized through requirements consistent with Section 5.3 of the DAMP and Section XIV of this Order.

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3. Dechlorinated swimming pool discharges: Dechlorinated to a concentration of 0.1 ppm⁴⁰ or less, pH adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.

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4. Discharges from facilities that extract, treat and discharge water diverted from Waters of the US: These discharges shall meet the following conditions:

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a. The discharges to Waters of the US must not contain Pollutants added by the treatment process or Pollutants in greater concentration than the influent;

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b. The discharge must not cause or contribute to a condition of erosion;

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c. Be in compliance with Section 401 of the Clean Water Act; and

d. Conduct monitoring in accordance with Section XIX of this Order.

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5. Construction dewatering wastes: The maximum daily concentration limit for Total suspended solids (TSS) shall not exceed 75 mg/L; sulfides shall not exceed 0.4 mg/l; total petroleum hydrocarbons shall not exceed 0.1 mg/L; and oil and grease shall not exceed 15 mg/L.

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6. For all De-minimus type of discharges: The pH of the discharge shall be within 6.5 to 8.5 pH units and there shall be no visible oil and grease in the discharge.

7. Table 4-1 of the Basin Plan incorporates TDS/TIN objectives for groundwater and surface waters within the Santa Ana Region. Permittees discharging to those Receiving Waters shall ensure compliance with the following for dry weather conditions:

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a. For discharges to surface waters where groundwater will not be affected by the discharge, the maximum daily concentration (mg/L) of TDS and/or TIN of the effluent shall not exceed the Water Quality Objectives for the Receiving Water where the effluent is discharged, as specified in Table 4-1 of the Basin Plan⁴¹.

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³⁹ Non-agricultural irrigation using recycled water must comply with the statewide permit for Landscape Irrigation Using Recycled Water and the State Department Health guidelines.

⁴⁰ See footnote 27.

⁴¹ Resolution No. R8-2004-0001

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b. or discharges to surface waters where the groundwater will be affected by the discharge, the TDS and/or TIN concentrations of the effluent shall not exceed the Water Quality Objectives for the surface water where the effluent is discharged and the affected groundwater management zone, as specified in Table 4-1 of the Basin Plan. The more restrictive Water Quality Objectives shall govern. However, treated effluent exceeding the groundwater management zone Water Quality Objectives may be returned to the same management zone from which it was extracted without reduction of the TDS or TIN concentrations so long as the concentrations of those constituents are no greater than when the groundwater was first extracted. Incidental increases in the TDS and TIN concentrations (such as may occur during air stripping) of treated effluent will not be considered increases for the purposes of determining compliance with this discharge specification.

c. The Regional Board may add categories of Non-Storm Water discharges that are not significant sources of pollutants or remove categories of Non-Storm Water discharges listed above based upon a finding that the discharges are a significant source of Pollutants.

C. NON-POINT SOURCE (NPS) DISCHARGES:

1. The NPS discharges are being addressed through the Non-Point Source Program.

D. WATER QUALITY BASED EFFLUENT LIMITATIONS - TOTAL MAXIMUM DAILY LOADS (TMDLS)

1. MIDDLE SANTA ANA RIVER (MSAR) WATERSHED BACTERIA INDICATOR TMDL

a. Waste Load allocations: The County of Riverside and the cities of Corona, Riverside and Norco (see Table 13-1 of the DAMP) shall comply with the WLA for the Middle Santa Ana River Watershed Bacterial Indicator TMDLs as described below:

b. Dry Summer Conditions (April 1 through October 31): Compliance shall be achieved as soon as possible, but no later than December 31, 2015.

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Deleted: Consistent with the State Water Resources Control Board's 2004 "Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program," the Regional Board may issue Waste Discharge Requirements for Non-Point Source (NPS) Pollutant discharges, such as agricultural irrigation runoff or return flows that are not subject to NPDES requirements, if identified as a significant source of Pollutants. In addition, if the water quality significance of NPS discharges is not clearly understood, the Regional Board may issue conditional waivers of Waste Discharge Requirements to NPS dischargers, and require monitoring to gather the information necessary to effectively manage ... [26]

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i. Fecal Coliform WLA⁴²

5-sample/30-day logarithmic mean less than 180 organisms/100mL, and not more than 10% of the samples exceed 360 organisms/100mL for any 30-day period.

ii. *e coli* WLA

5-sample/30-day logarithmic mean less than 113 organisms/100mL, and not more than 10% of the samples exceed 212 organisms/100mL for any 30-day period.

c. Wet Winter Conditions (November 1 through March 31): Compliance shall be achieved ~~as soon as possible, but~~ no later than December 31, 2025.

i. Fecal Coliform WLA³⁴

5-sample/30-day Logarithmic Mean less than 180 organisms/100mL, and not more than 10% of the samples exceed 360 organisms/100mL for any 30-day period.

ii. *e. coli* WLA

5-sample/30-day Logarithmic Mean less than 113 organisms/100 mL and not more than 10% of the samples exceed 212 organisms/100mL for any 30-day period.

d. MSAR TMDL Urban Source Evaluation Program and Waste Load Allocation Monitoring and Reporting:

i. On June 14, 2007, the TMDL taskforce members submitted a source evaluation plan and a monitoring plan. The Regional Board approved these plans on June 29, 2007, Resolution No. R8-2007-0046. A revised monitoring plan and an urban bacterial indicator source evaluation plan were approved by the Regional Board on April 18, 2008, Resolution No. R8-2008-0044. The MS4 Permittees within the MSAR watershed shall continue to conduct monitoring and source evaluations in accordance with the approved plans and report the findings in accordance with the schedules specified in the approved plans.

ii. By February 15, 2010⁴³, the Permittees shall submit to the Executive Officer for approval, ~~revise the DAMP to incorporate a plan and a schedule~~

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⁴² The fecal coliform WLA becomes ineffective upon the replacement of the REC1 fecal coliform objectives in the Basin Plan by approved REC1 objectives based on E. Coli.

⁴³ February 15, 2010 is the submittal due date for the next triennial report that evaluates compliance with the TMDLs, WLAs, and LAs. Submittal of the revised MSWMP by the November 15, 2010 annual report due date allows for the review and approval of the BMP implementation plan prior to incorporation into the MSWMP.

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to achieve bacterial indicator WLAs based on the schedule established in the TMDLs. The plan shall at a minimum be based on actual or literature documentation of estimated effectiveness of BMPs to address identified or potential urban bacterial sources in the watershed. The plan shall include workplans or actions proposed by each Permittee within the MSAR⁴⁴ to be implemented within its jurisdiction to attain necessary ~~P~~ollution reductions. By November 30, 2010, the Permittees shall revise the DAMP and LIPs to include the approved BMP implementation plan.

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iii. The MS4 Permittees within the MSAR watershed shall track and annually report their progress towards compliance (pre-compliance evaluation monitoring) with the WLAs at the locations specified in the MSAR Bacterial Indicator TMDL or at other appropriate urban source monitoring locations, upon approval by the Executive Officer. If the results of monitoring and assessment at the specified monitoring locations does not indicate reasonable progress towards achieving the WLAs by the target dates, the Permittees within the affected drainage areas shall comply with the following procedure:

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a) Each Permittee (or the TMDL taskforce) upstream of the urban source monitoring points shall evaluate and characterize discharges from its significant (36 inches or larger in diameter) ~~Q~~utfall locations.

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b) Each Permittee (or the TMDL taskforce) shall submit a report to the Executive Officer with proposed actions that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any ~~P~~ollutants that are causing or contributing to the failure to attain bacterial source reduction goals. Each Permittee shall quantify the BMP effectiveness of BMPs already implemented and newly recommended BMPs to reduce pollutant loads. The Permittee shall also recommend a target date in which new BMPs will be implemented.

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c) The report may be incorporated in the ~~Annual Report~~ unless the Executive Officer directs a different submittal date. In the annual report

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⁴⁴ The TMDL Taskforce may propose a consolidated workplan to address the problem, in lieu of individual workplans and actions.

due beginning November 30, 2010 and every year thereafter, the Permittees in the MSAR watershed shall report any revisions to the DAMP, LIP or WQMP in response to TMDL requirements. The Executive Officer may require revisions to the DAMP, LIP or WQMP if reasonable progress is not being demonstrated in the annual reports toward compliance with the WLAs by the 2015 deadline. Future workplans or actions to reduce bacterial sources shall consider the impact of projected population growth in the watershed and within each jurisdiction. Effectiveness evaluations shall be based on actual population change.

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iv. During the pre-compliance period, an iterative approach is appropriate to demonstrate bacterial source reduction in drainage areas tributary to Receiving Waters with WLAs based on TMDL Implementation Plan requirements. Compliance with the WLAs at the urban source monitoring locations or as modeled in accordance with the TMDL Implementation Plan must be achieved by the compliance dates.

e. **Watershed-wide Monitoring Program:** The Permittees shall continue to participate in the watershed-wide monitoring program. Revisions to the watershed wide monitoring will be considered through a public participation process once the TMDLs have been achieved.

2. LAKE ELSINORE/CANYON LAKE (SAN JACINTO WATERSHED) NUTRIENT TMDLS

a. The Permittees in the San Jacinto watershed shall comply with the WLAs specified in the San Jacinto Watershed Nutrient TMDLs listed in Tables 7 and 8, below. ~~Compliance may be achieved by implementing the various tasks identified in the TMDL implementation plan.~~

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Table 7 - Canyon Lake
Nitrogen and Phosphorus Waste Load and Load Allocations^a

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Canyon Lake Nutrient TMDL	Final Total Phosphorus Waste Load Allocation (kg/yr) ^{b, c}	Final TN Waste Load Allocation (kg/yr) ^{b, c}
Urban	306 (675 lbs/yr)	3,974 (8763 lbs/yr)
Septic systems	139 (306 lbs/yr)	4,850 (10692 lbs/yr)

^a The WLAs for Canyon Lake apply to those land uses located upstream of Canyon Lake.

^b Final allocation compliance to be achieved as soon as possible, but no later than December 31, 2020.

^c TMDL and allocations specified as 10-year running average.

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**Table 8 - Lake Elsinore
Nitrogen and Phosphorus Waste Load and Load Allocations^a**

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Lake Elsinore Nutrient TMDL	Final Total Phosphorus Waste Load Allocation (kg/yr) ^{b, c}	Final TN Waste Load Allocation (kg/yr) ^{c, d}
Urban	124 (273.3 lbs/yr)	349 (769.4 lbs/yr)
Septic systems	69 (152 lbs/yr)	608 (1340 lbs/yr)

^a The Lake Elsinore TMDL allocations for septic systems only apply to those land uses located downstream of Canyon Lake.

^b Final compliance to be achieved as soon as possible, but no later than December 31, 2020.

^c TMDL and allocations specified as 10-year running average.

^d WLA for supplemental water should be met as soon as possible as a 5 year running average no later than December 31, 2020.

^e Allocation for Canyon Lake overflows

- b. *Lake Elsinore In-Lake Sediment Nutrient Reduction Plan*: Pursuant to Resolution No. R8-2007-0083, each MS4 Permittee identified in Table 13-1 of the DAMP shall continue to implement the approved strategy for reducing in-lake sediment nutrient loads as summarized in Table 9, below, **or as updated by subsequent Regional Board approved revisions:**

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Table 9 - Lake Elsinore In-lake Sediment Nutrient Reduction Strategy

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Lake Elsinore In-lake Sediment Reduction Strategy Task	Due Date
Submit Phase 2 Alternatives	December 31, 2010
Submit Draft Phase 2 Alternatives	October 15, 2010
Submit Final Phase 2 Alternatives	December 31, 2010
Submit Draft O&M Agreement for Fishery Management	October 15, 2010
Submit O&M Agreement for Fishery Management Program	December 31, 2010
Submit Draft O&M Agreement for Aeration/Mixing Systems	October 15, 2010
Submit Final O&M Agreement for Aeration/Mixing Systems	December 31, 2010
Submit O&M for Agreement for Aeration and Mixing Systems	December 31, 2010
Submit Draft Phase 2 Project Plans	March 31, 2011

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Second Draft, October 22, 2009

Submit Final Phase 2 Project Plan	June 30, 2011
Submit Phase 2 Projects Plans	June 30, 2011
Complete Phase 2 Project Implementation	December 31, 2014
Implement in-lake and watershed monitoring programs	Annual reports due August 31 every year.

- c. [Lake Elsinore/Canyon Lake](#) Model Update Plan: Pursuant to Resolution No. R8-2007-0083, each MS4 Permittee identified in Table 13-1 of the DAMP shall continue to implement the Model Update Plan as per the schedule summarized Table 10, below, **or as updated by subsequent Regional Board approved schedule revisions:**

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Table 10 - [Lake Elsinore/Canyon Lake](#) Model Update Plan

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Model Update Task	Due Date
In-lake Processes Evaluation Study	December 31, 2009
Linkage Analysis Study	December 31, 2009
Watershed Source Loading Study	August 31, 2010
Model Evaluation	December 31, 2010
Construct/Calibrate Model	June 30, 2011
Conduct Model Scenarios	August 31, 2011
Model Update Final Report	November 30, 2011

- d. [Lake Elsinore/Canyon Lake](#) Pollutant Trading Plan: Pursuant to Resolution No. R8-2007-0083, each MS4 Permittee identified in Table 13-1 of the DAMP shall continue to participate in the development and implementation of the Pollutant Trading Plan and schedule as per Table 11, below, or as updated by subsequent Regional Board approved schedule revisions:

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Table 11 - [Lake Elsinore/Canyon Lake](#) Pollutant Trading Plan

Description	Due Date
Conduct Feasibility analysis and ID Pollutant Trading Framework	March 2012
Create and Adopt Program Protocols and Program Implementation	August 2012
Pollutant Trading Program	November 30, 2012
Submit Draft Pollutant Trading Program	September 30, 2012
Submit Final Pollutant Trading Program	November 30, 2012

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e. Canyon Lake Sediment Nutrient Treatment Plan: No later than February 28, 2010 each MS4 Permittee identified in Table 13-1 of the DAMP shall submit a draft Canyon Lake Sediment Nutrient Treatment Plan. The Plan shall identify appropriate treatment options to reduce internal nutrient loading from the sediment and contain a schedule of specific tasks to implement these treatment options. The Plan shall also include a plan and schedule for the development of a monitoring plan to assess the effectiveness of the lake treatment options implemented

No later than May 31, 2010, each MS4 Permittee identified in Table 13-1 of the DAMP shall submit the final Canyon Lake Sediment Nutrient Treatment Plan.

f. The Permittees shall annually evaluate their compliance with the adopted TMDLs and TMDL Implementation Plan tasks. If necessary, the Permittees shall propose additional control measures necessary to achieve compliance with the Permittees' WLAs for total phosphorus and TIN.

g. Prior to the TMDL compliance date and pending development and approval of a watershed model, pollutant trading plan and other implementation tasks identified above, the Permittees shall monitor and report the effectiveness of the control measures implemented in the watershed to control nutrient inputs into the lakes from Urban Runoff by implementing the following:

i. By December 31, 2010⁴⁵, the Permittees within the San Jacinto watershed shall identify representative urban storm water runoff monitoring locations for discharges into the lakes. Selection of those monitoring locations shall take into account the size of the drainage area and potential sources of nutrients within each drainage area. Those monitoring locations may include existing storm water core monitoring locations and the Phase II watershed wide TMDL monitoring locations.

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ii. In the third annual report due after adoption of this Order⁴⁶, include an evaluation of nutrient source reductions during the prior three years. This evaluation should indicate how the source reduction plans implemented by each Permittee are geared towards meeting the WLAs by the 2020 compliance date. Since the WLAs are based on a 10-year running average, data from storm water core monitoring locations may be used to project loading reductions.

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⁴⁵ This due date coincides with the Implementation Plan submittal of the Phase II sampling plan and may be incorporated as part of that sampling plan.

⁴⁶ This should coincide with the TMDL triennial review.

iii. The source reduction plans shall at a minimum be based on actual or literature documentation of estimated effectiveness of BMPs to address identified or potential nutrient sources in the watershed. The plan should include proposed actions and schedules that each Permittee is proposing to implement within its jurisdiction to attain nutrient loading reductions.

iv. The source reduction plans should be reevaluated on a triennial basis⁴⁷. Any needed revisions should consider the impact of projected population growth in the watershed.

v. If triennial nutrient source reduction goals are not met, the Permittees within the affected drainage areas shall comply with the following procedure:

1.) Each Permittee upstream of the representative urban monitoring location shall characterize discharges and identify significant nutrient sources from its significant **Outfall** locations.

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2.) Each Permittee shall submit a report with proposed actions to the Executive Officer that describes the BMPs that are currently being implemented and additional BMPs that will be implemented to further reduce nutrients that are causing or contributing to the failure to attain nutrient source reduction goals.

3.) The report may be incorporated in the annual report unless the Executive Officer directs a different submittal date.

vi. ~~Water Quality Standards Nutrient reductions achieved by the dischargers through implementation of in-lake or other control strategies, rather than urban runoff source controls, may be used to achieve compliance with the WLAs in lieu of urban runoff source controls.~~

vii. ~~The TMDLs explicitly support the trading of pollutant allocations among sources to the extent that such allocation tradeoffs optimize point and non-point source control strategies to achieve the numeric WLA targets in the most efficient manner.~~

viii. ~~If necessary, the Permittees shall update Section 13 of the DAMP to incorporate appropriate tasks in compliance with the approved TMDLs.~~

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ix. As Part of the Permittees' next ROWD (permit renewal application), the Permittees must evaluate their compliance with the approved TMDLs and propose any new or modified BMPs necessary to achieve compliance with the WLAs in the TMDLS by the dates specified in the TMDLs.

3. Compliance determination with the WLAs shall be based on implementation of BMPs as specified in the implementation plan for the approved TMDLs or based on

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⁴⁷ This should coincide with the TMDL triennial review.

plans developed as per the approved TMDLs. The Permittees obligation to meet the WLAs is met if the water quality standards in the impaired receiving waters are met through implementation of control measures developed and approved as per the TMDLs.

VII. RECEIVING WATER LIMITATIONS

A. Urban Runoff discharges from the Permittees' MS4 shall not cause or contribute to exceedances of Receiving Water Quality Standards (as defined by Beneficial Uses and water quality objectives in Chapter 4 of the Basin Plan) for surface waters or ground waters.

B. The DAMP and its components, including the LIPs, must be designed to achieve compliance with Receiving Water Limitations associated with discharges of Urban Runoff to the MEP. It is expected that compliance with Receiving Water Limitations will be achieved through an iterative process and the application of increasingly more effective BMPs.

C. The Permittees shall comply with Section V.B and VII.A of this Order, through timely implementation of control measures and other actions to reduce pollutants in Urban Runoff in accordance with the DAMP and other requirements of this Order, including modifications thereto.

D. If exceedances of Water Quality Standards (WQSs) persist notwithstanding implementation of the DAMP and other requirements of this Order, the Permittees shall assure compliance with Sections V.B and VII.A of this Order, by complying with the following procedure:

1. Upon a determination by either the Permittees or the Executive Officer that the discharges from the MS4 are causing or contributing to an exceedance of an applicable WQS, the Permittees shall:

a. Promptly, within two (2) working days, provide oral or e-mail and thereafter submit a report to the Executive Officer that describes the BMPs that are currently being implemented and the additional BMPs that will be implemented to prevent or reduce those Pollutants that are causing or contributing to the exceedance of the applicable receiving Water Quality Standards.

b. The report may be incorporated in the annual update to the DAMP, unless the Executive Officer directs an earlier submittal.

c. The report shall include an implementation schedule.

d. The Executive Officer may require modifications to the report.

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Following oral or e-mail notification, a pollutant source investigation and control plan must be developed and implemented. This plan must be submitted to the Executive Officer within thirty (30) calendar days of becoming aware of the situation. If the exceedance is detected as part of the preparation of the annual monitoring report, the plan can be included in the Annual Report, if submitted within the 30 day period. The plan submitted for review and approval must at a minimum:¶

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e. Submit any modifications to the report required by the Executive Officer within 30 days of notification;

2. Within 30 days following approval by the Executive Officer of the report described above, the Permittees shall revise the DAMP, applicable LIPs, and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required;

3. Implement the revised DAMP, applicable LIPs and monitoring program in accordance with the approved schedule.

4. If the exceedance is solely due to discharges to the MS4 from activities or areas outside the Permittees jurisdiction or control, the Permittees must, within two (2) working days of becoming aware of the situation, provide oral or e-mail notice to the Executive Officer of the determination of the exceedance and provide written documentation of these discharges to the Executive Officer within ten (10) calendar days of becoming aware of the situation.

5. So long as the Permittees have complied with the procedures set forth above and are implementing the revised LIP, DAMP, and monitoring program, the Permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same Receiving Water Limitation unless the Executive Officer determines it is necessary to develop additional BMPs

6. Nothing in Section VII.D prevents the Regional Board from enforcing any provision of this Order while the Permittee prepares and implements the above report.

VIII. LEGAL AUTHORITY/ENFORCEMENT

A. The Permittees shall maintain adequate legal authority to control the discharge of Pollutants to the MS4 from Urban Runoff and enforce those authorities. This may be accomplished through ordinance, statute, permit, contract or similar means. Such legal authority must address all IC/IDs into the MS4, including those from residential, commercial, industrial and construction sites. The Permittees shall use the enforcement guidelines developed in Section 3.4 and 4.5 of the DAMP or develop their own enforcement program and shall incorporate the enforcement program into their LIP. Such legal authority must also at a minimum include and authorize the Permittees to:

1. Carry out all inspections, surveillance, and monitoring necessary to determine compliance and noncompliance with their ordinances and permits. The Permittee

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Within 30 days following approval by the Executive Officer of the report described above, the Permittees shall revise the DAMP, applicable LIPs, and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required; ¶

¶
Implement the revised DAMP, applicable LIPs and monitoring program in accordance with the approved schedule.¶

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<#>Control the contribution of Pollutants in discharges of Urban Runoff ... [32]

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must have authority, to the extent permitted by California and federal Law and subject to the limitations on municipal action under the constitutions of California and the United States, to enter, monitor, inspect, and gather evidence (pictures, videos, samples, documents, etc.) from residential, industrial, commercial, and construction sites discharging into the MS4 within the limits of its statutory authority. The Permittees shall progressively and decisively take enforcement actions against any violators of the Storm Water Ordinance. These enforcement actions must, at minimum, meet the guidelines and procedures listed in Sections 3.4 and 4.5 of the DAMP.

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2. Control the contribution of Pollutants to the MS4;

3. Stop pollutant discharge or threat of discharge if a discharger is unable or unwilling to correct significant non-compliance where there is a serious threat to public health or the environment;

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4. Require the use of BMPs to prevent or reduce the discharge of pollutants into MS4 consistent with the MEP standard.

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5. Require documentation on the effectiveness of BMPs implemented to reduce the discharge of Pollutants to the MS4;

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6. The Permittees' Storm Water Ordinances or other local regulatory mechanisms shall include sanctions to ensure compliance. Sanctions shall include but are not limited to: oral and/or written warnings, notice of violation or non-compliance, administrative compliance orders, stop work or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor). These sanctions shall be issued in a decisive manner within a predetermined timeframe, from the time of the violation's occurrence and/or follow-up inspection.

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<#>The Permittees shall use the most effective tool(s) at their disposal (such as Stop Work Orders and suspended inspections) to achieve immediate compliance with enforcement actions. Permittees must have the ability to enforce violation of the Stop Work Order by either an automatic fine or other effective means.¶

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B. The Permittees shall take progressive and decisive enforcement actions against violators of their Storm Water Codes and Ordinances, in accordance with the federal storm water regulations (40CFR, Part 122.26(d)(2)(I)(A-F)), and adopted/established guidelines and procedures as described in Section 3.4 of the DAMP. The Permittees shall consider the time to return to compliance as one measure of effectiveness of their ordinances or enforcement response procedure. The Permittees shall document these actions in their records (including electronic databases as outlined in the DAMP) and Annual Reports. The Co-Permittees shall use their authority to bring dischargers into immediate compliance with enforcement actions.

C. Within two (2) years of adoption of this Order, the Co-Permittees shall promulgate ordinances that would control known pathogen or bacterial indicator sources such as animal wastes, if necessary.

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D. The Co-Permittees shall continue to provide notification to the Executive Officer of storm water related information obtained during site inspections of construction and industrial sites regulated by the General Storm Water Permits and of sites that should be regulated under the General Storm Water Permits. The notification should include perceived violations of the General Storm Water Permits or local requirements, prior history of violations of the Permittee's Storm Water Ordinance, enforcement actions related to the Storm Water Ordinance taken by the Permittee, and other relevant information. In addition, Sections XVI.B of this Order addresses additional notification requirements for construction, industrial and commercial sites not covered under the General Storm Water Permits. Notification shall not prevent or delay the Co-Permittees from independently taking appropriate actions to bring construction and industrial sites into compliance with their local ordinances, rules, regulations and WQMP.

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E. The Permittees are encouraged to enter into interagency agreements with owners of other MS4, such as CalTrans, school and college districts, universities, Department of Defense, Native American Tribes, etc., to control the contribution of pollutants into their MS4 from the non-permittee MS4. The Regional Board will continue to notify the owner/operator of the MS4 systems and the Permittee if the Board issues a permit for discharges into the MS4.

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<#>The Permittees shall continue with their enforcement actions for any violations of their ordinances after appropriate notification of the Executive Officer.¶

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The Permittees shall specify conditions in

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F. The Permittees shall annually review their Storm Water Ordinances and provide findings within the Annual Report on the effectiveness of these ordinances and enforcement programs in prohibiting the following types of discharges to the MS4 (the Permittees may propose appropriate control measures in lieu of prohibiting these discharges, where the Permittees are responsible for ensuring that dischargers adequately maintain those control measures):

1. Sewage, where a co-permittee operates the sewage collection system (also prohibited under the Statewide SSO order⁴⁸);

2. Wash water resulting from the hosing or cleaning of gas stations, auto repair garages, and other types of automobile service stations;

3. Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility, including motor vehicles, concrete mixing equipment, portable toilet servicing, etc.;

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⁴⁸ State Board WQO No. 2006-0003.

4. Wash water from mobile auto detailing and washing, steam and pressure cleaning, carpet/upholstery cleaning, pool cleaning and other such mobile commercial and industrial activities;
5. Water from cleaning of municipal, industrial, and commercial sites, including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc.;
6. Runoff from material storage areas or uncovered receptacles that contain chemicals, fuels, grease, oil, or other hazardous materials⁷;
7. Discharges of runoff from the washing of hazardous material from paved or unpaved areas;
8. Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; pool filter backwash containing debris and chlorine;
9. Pet waste, yard waste, litter, debris, sediment, etc.; and,
10. Restaurant or food processing facility wastes such as grease, floor mat and trash bin wash water, food waste, etc.

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G. ~~Consistent with the Schedule required in Section III.A.1.~~ Each Permittee shall submit a certification statement, signed by its legal counsel, that the Permittee has obtained all necessary legal authority in accordance with 40 CFR 122.26(d)(2)(i) (A-F) and to comply with this Order through adoption of ordinances and/or municipal code modifications. A copy of the certification shall also be placed in the LIP.

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H. Annually thereafter, Permittees shall evaluate the effectiveness of implementation and enforcement response procedures with respect to the above items. The findings of these reviews, along with recommended corrective actions, where appropriate, and schedules shall be submitted as part of the annual report for the corresponding reporting period. The LIP shall be updated accordingly.

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IX. **ILLICIT CONNECTIONS/ILLEGAL DISCHARGES (IC/ID); LITTER, DEBRIS AND TRASH CONTROL**

A. ~~Consistent with each Co-Permittees~~, statutory authority, ~~the Co-Permittees have adopted Storm Water Ordinances. The Co-Permittees must continue to prohibit IC/IDs to the MS4 through their Storm Water Ordinances and the Principal Permittee must do so through its statutory authority. In addition, the Permittees must continue to implement and improve routine inspection and monitoring and reporting programs for~~

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⁷ Hazardous material is defined as any substrate that poses a threat to human health or the environment due to its toxicity, corrosiveness, ignitability, explosive nature or chemical reactivity. These also include materials named by EPA to be reported if a designed quantity of the material is spilled into the waters of the United States or emitted into the environment.

⁴⁹ USEPA (Illicit Discharge Detection and Elimination - A Guidance Manual for Program Development and Technical Assessments) by the Center for Watershed Protection and Robert Pitt, University of Alabama, October 2004, updated 2005).

their MS4. If routine inspections or dry weather monitoring indicate IC/IDs, they must be investigated and eliminated or permitted within sixty (60) calendar days of receipt of notice by its staff or from a third party.

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B. The Permittees upon being put on notice by staff or a third party must immediately (within 24 hours of receipt of notice by its staff or from a third Party) investigate all spills, leaks, and/or other illegal discharges to the MS4. Based upon their assessment and as specified below, the Permittees must provide notifications and reporting as described in Section 4 of the DAMP and Section XVI of this Order.

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C. The Permittees shall control illegal dumping that may result in a discharge of pollutants to the MS4 to the MEP. The Permittees shall describe their procedures and authorities for managing illegal dumping in their LIP.

D. Within 18 months of adoption of this Order, the Permittees shall review and revise their IC/ID program to include a pro-active illegal discharge detection and elimination program (IDDE) using the Guidance Manual for Illicit Discharge, Detection, and Elimination by the Center for Watershed Protection⁴⁹ or any other equivalent program consistent with Section IX.E below. The result of this review shall be reported in the Annual Report for that reporting period and include a description of the Permittees' revised pro-active program, procedures and schedules. The LIP shall be updated accordingly.

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E. The Permittees' revised IC/ID programs shall specify an IDDE program for each Co-Permittee to individually, or in combination:

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a. Develop an inventory and map of Permittee MS4 facilities and Outfalls to Receiving Waters.

b. Develop a schedule to be submitted within 18 months to conduct and implement systematic investigations of MS4 Open Channels and Outfalls..

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c. Use field indicators to identify potential Illegal Discharges, if applicable;

d. Track Illegal Discharges to their sources⁵⁰ where feasible; and

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e. Educate the public about Illegal Discharges and Pollution Prevention where problems are found.

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⁵⁰ Table 2: Land uses, Generating Sites and Activities that Produce Indirect Discharges from IDDE, A Guidance Manual for Program Development and Technical Assessments, October 2004 CWP.

F. The Permittees shall continue to integrate IC/ID detection and elimination into their inspection programs, training of Permittee staff, and monitoring data collection and other indicator data.

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G. The Permittees shall annually review and evaluate their IC/ID program, including litter/trash BMPs, to determine if the program needs to be adjusted. Findings of the review and evaluation shall be submitted with the Annual Report.

Deleted: link implementation of their IC/ID and IDDE programs with other Permittee programs and urban watershed protection efforts. These may include: a) use of GIS map of the Permittees' conveyance systems to track sources; b) aerial photography to detect IC/IDs; c) municipal inspection programs of construction, industrial, commercial, storm drain systems, municipal facilities, etc.; d) analysis of watershed monitoring and other indicator data; e) watershed education to educate the public about illegal discharges; f) pollution prevention for generating sites; g) stream restoration efforts/opportunities; and h) rapid assessment of stream corridors to identify dry weather flows and ... [33]

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H. The Permittees shall maintain a database summarizing IC/ID incident response (including IC/IDs detected as part of field monitoring activities). This information shall be updated on an ongoing basis and submitted with the Annual Report.

I. The Permittees shall control, consistent with the MEP standard, illegal discharges (including the discharge of spills, leaks, or dumping of any materials other than storm water and authorized non-storm water) into the MS4. All reports of illegal discharge shall be promptly investigated and reported as specified in Section XVI (Notification Requirements).

J. In the 2004-2005 Annual Report, the Permittees characterized trash, determined its main source(s) and developed and implemented appropriate BMPs to reduce and/or to eliminate the discharge of trash and debris to Waters of the U.S. to the MEP. The BMPs should be continued and their effectiveness must be reported in the Annual Report.

K. Where non-jurisdictional IC/IDs within a Permittees jurisdiction are identified, the Permittees will notify the responsible party and the Executive Officer of the discharge.

X. SEWAGE SPILLS, INFILTRATION INTO THE MS4 SYSTEMS FROM LEAKING SANITARY SEWER LINES, SEPTIC SYSTEM FAILURES, AND PORTABLE TOILET DISCHARGES

A. The Permittees shall continue to provide local sanitation districts 24-hour access to the MS4 to address sewage spills. The Permittees shall continue to work cooperatively with the local sewer agencies to determine and control the impact of infiltration from leaking sanitary sewer systems on Urban Runoff quality. Each Permittee shall implement control measures necessary to minimize infiltration of seepage from sanitary sewers to the MS4 through routine preventative maintenance of the MS4.

B. Each Permittee shall continue to cooperate and coordinate with the sewage collection/treatment agencies as described in Appendix I of the DAMP to swiftly respond

to ~~and~~ contain sewage spills that may discharge into its MS4. Management and/or preventive measures shall ~~continue to~~ be implemented for sources including portable toilets, ~~failing septic systems, and failing private laterals~~ that ~~may cause~~ or contribute to Urban Runoff ~~P~~ollution problems in Permittee jurisdictions.

C. ~~Permittees who are regulated under the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003-DWQ, (SSO Order), shall continue to comply with that Order to control sanitary system overflows.~~

E. ~~Permittees with septic systems in their jurisdiction shall maintain the inventory of septic systems within its jurisdiction completed in 2008. Updates to the inventory will be maintained by County Environmental Health via a database of new septic systems approved since 2008.~~

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~~Deleted: <#>The Permittees shall collaborate with the local sewerage agencies to review and revise, as needed, the Sanitary Sewer Overflow Response Plan to insure its consistency with the SSO Order. ¶ <#>The interagency or interdepartmental sewer spill response coordination within each Permittee's jurisdiction shall be described in the LIP. ¶ ¶ Within 2 years of adoption of this Order,~~

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XI. CO-PERMITTEE INSPECTION PROGRAMS

The Permittee inspection programs are outlined in Sections 7 and 8 of the DAMP and describe some of the minimum inspection and enforcement procedures utilizing existing inspection programs, provides criteria for characterizing the significance of violations, criteria for prioritizing violations, appropriate response actions corresponding to the priority of violations and identifies the hierarchy of enforcement/compliance responses. Section 3.4 of the DAMP provides a framework to standardize the implementation and enforcement by the Co-Permittees of their respective Storm Water Ordinances. The Co-Permittees shall continue to enforce their respective Storm Water Ordinances consistent with the DAMP and this Order.

A. GENERAL REQUIREMENTS

1. The ~~Co-Permittees~~ shall continue to maintain and update a ~~database~~ inventory of all ~~active Construction Sites, and Industrial, and Commercial Facilities~~ within their jurisdiction ~~consistent with the database requirements of Section 7 and 8 of the DAMP. Construction Sites and Industrial and Commercial Facilities shall be included in the database inventories, regardless of whether the Construction Sites or Commercial and Industrial Facilities, are subject to the General Construction Permit or the General Industrial Permit or other individual NPDES permit or Waste Discharge Requirements.~~

2. The ~~Co-Permittee~~ inspection ~~database~~ inventory ~~described in Section XI.A.1~~ shall be maintained in an electronic database ~~format that may be made~~ available to the

Regional Board upon request (e.g. request via phone call, e-mail, letter, etc.). The database inventory must be consistent with the requirements of Sections 7 and 8 of the DAMP. Supporting paper (or electronic) files shall also be maintained and made available upon Regional Board request. Supporting files should include a record of inspection dates, the results of each inspection, photographs (if any), video (if any) and a summary of any enforcement actions taken. The inventory databases shall be updated on an annual basis and an electronic copy shall be provided with each Annual Report.

3. The Co-Permittee shall not issue an occupancy permit to an industrial facility or other license authorizing the facility to operate, unless the applicant is informed of the General Industrial Permit and that it may have to secure coverage thereunder. The Co-Permittees shall verify during Industrial Facility inspections whether a site has obtained necessary permit coverage under the General Industrial Permit.
4. If the Industrial facility's SIC code falls under the mandatory category the Co-permittee shall notify the Regional Board and the applicant that they may be required to obtain coverage under the Industrial Permit.
5. Permits for Construction Sites shall not be granted until appropriate coverage under the General Construction Permit(s) is verified.
6. Perceived Non-filers for the General Stormwater Permits shall be reported consistent with Section XVI.E.
7. If a Co-Permittee receives notice by its staff or from a third party of a non-Emergency Situation representing a possible violation of the General Stormwater Permit or other permit issued by the State or Regional Board to an Industrial Facility or Construction Site, the Co-Permittee shall, within two (2) working days, provide oral or e-mail notice to Regional Board staff of the location within its jurisdiction where the incident occurred and describe the nature of the incident. After notifying the Regional Board, no further action is necessary regarding the General Stormwater Permits. However, each Co-Permittee shall take appropriate actions to bring an Industrial Facility or Construction Site into compliance with its Storm Water Ordinances.
8. The Co-Permittees need not inspect facilities already inspected by Regional Board staff if the inspection was conducted within the specified time period. Regional Board staff inspection information is available at www.ciwqs.ca.gov.⁵³
9. Each Co-Permittee shall respond to complaints received from third parties regarding Construction Sites and Industrial and Commercial Facilities in a timely

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Deleted: include relevant information on ownership, Standard Industrial Classification (SIC) codes, General Permit Waste Discharge Identification (WDID) number (if any), size, Geographic Information System (GIS) data in NAD83/WGS84⁵² compatible formatting with latitude/longitude in decimal degrees, and other pertinent details describing the nature of activities at the site. The database shall also include

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<#>Within 24 months of adoption of this Order, each Permittees shall have its inspection and enforcement information available through an electronic database available to the public. At a minimum, this database should include: the inspection (... [42])

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⁵³ To obtain access to the State database, registration at the following link is necessary: http://www.waterboards.ca.gov/water_issues/programs/ciwqs/chc_npdes.shtml. Contact information is available at http://www.waterboards.ca.gov/water_issues/programs/ciwqs/contactus.shtml.

manner to ensure that the sites are not a source of ~~Pollutants to~~ the ~~MS4~~ and the Receiving Waters.

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10. The ~~Co~~-Permittees shall enforce their ordinances and permits at all ~~Construction Sites and Industrial, and Commercial Facilities~~ in a fair, firm and consistent manner. Sanctions for non-compliance as required under Section VII (Legal Authority/Enforcement) shall be ~~deemed~~ adequate to bring the site into compliance with ~~their Ordinances and permits~~.

11. Each ~~Co~~-Permittee shall document, evaluate and annually report the effectiveness of its enforcement procedures in achieving prompt and timely compliance ~~with inspection programs~~. ~~Sanctions for non-compliance shall be adequate to bring the site into compliance and to stop the pollutant discharge consistent with the requirements of Section VIII of this Order.~~

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12. The Principal Permittee and the County have implemented the Compliance Assistance Program (CAP). Through the Riverside County Department of Environmental Health, the CAP addresses storm water compliance issues at restaurant facilities and businesses that must have a hazardous material permit for either storing, handling or generating hazardous materials. As described in Section 8 of the DAMP, the Permittees must either participate in the CAP or implement an equivalent inspection program. The cities of Corona and Riverside maintain such programs through their respective POTW pre-treatment programs that may be supplemented by the activities of the Department of Environmental Health during routine inspections. The County is establishing a stand-alone NPDES Storm water Compliance Inspection and Enforcement Program (CIEP) for ~~Industrial and Commercial Facilities~~ in the unincorporated areas of the County.

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13. Where inspections and/or enforcement required by this Order are carried out on behalf of the ~~Co~~-Permittee by other agencies or departments such as the County Department of Environmental Health, county and local fire departments, hazardous materials programs, code enforcement, industrial pretreatment, and building and safety, the ~~Co~~-Permittee shall monitor and annually evaluate and report adequacy of program coverage and enforcement response in complying with this Order.

14. All inspectors shall be trained in accordance with Section XV.

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B. CONSTRUCTION SITES

1. Each ~~Co~~-Permittee shall include in the electronic database identified in Section XI.A.2 an inventory of all ~~Construction Sites~~ within its jurisdiction for which building or grading permits have been issued and activities at the site include: soil movement; uncovered storage of materials or wastes, such as dirt, sand or fertilizer; or exterior mixing of cementaceous products, such as concrete, mortar or stucco.

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2. Each Permittee shall continue to prioritize Construction Sites within its jurisdiction as a high, medium or low threat to water quality. Evaluation of construction sites shall be based on factors, which shall include but not be limited to: soil erosion potential, project size, proximity and sensitivity of Receiving Waters and any other relevant factors. At a minimum, high priority Construction Sites shall include: sites disturbing 50 acres and greater; sites disturbing over 1 acre with Direct Discharge to Receiving Waters with, Clean Water Act Section 303(d) listed waters for sediment or turbidity impairments; site specific characteristics⁵⁴; and any other relevant factor. At a minimum, medium priority construction sites shall include: sites disturbing between 10 to less than 50 acres of disturbed soil.

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3. Each Permittee shall conduct Construction Site inspections for compliance with its ordinances (grading, WQMPs, etc.) and local permits (building, grading, etc.). The Permittees shall develop a checklist for conducting Construction Site inspections. Inspections of Construction Sites shall include, but not be limited to:

a. Verification of coverage under the General Construction Permit (Notice of Intent [NOI] or Waste Discharge Identification Number [WDID]) during the initial inspection. As Permittees become aware of changes in ownership, they shall notify Regional Board staff.

b. Ensure that the BMPs implemented on-site are effective for the appropriate phase of construction (preliminary stage, mass grading stage, streets and utilities stage, etc.).

c. Visual observations for Illegal Discharges, potential Illicit Connections, and potential Pollutant sources.

d. Implementation and maintenance of BMPs required under local requirements.

e. An assessment of the effectiveness of BMPs implemented at the site and the need for any additional BMPs.

4. At a minimum, the inspection frequency shall include the following:

a. During the wet season (October 1 through May 31 of each year), all high priority Construction Sites are to be inspected, in their entirety, once a month. All medium priority Construction Sites are to be inspected at least twice during the wet season. All low priority Construction Sites are to be inspected at least once during the wet season. Construction Sites that disturb less than one acre may be inspected on an as needed basis. When BMPs or BMP maintenance is deemed inadequate or out of compliance, an inspection frequency of at least once per week should be maintained until BMPs and BMP maintenance are brought into compliance.

⁵⁴ The draft General Construction Permit includes risk-based characterization of construction sites based on site-specific conditions.

- b. During the dry season (~~June 1 through September 30 of each year~~), all ~~Construction Sites~~ shall be inspected at a frequency sufficient to ensure that sediment and other pollutants are properly controlled and that unauthorized, non-storm water discharges are prevented.

C. INDUSTRIAL FACILITIES

1. To establish priorities for inspection, the Permittees shall continue to prioritize ~~Industrial Facilities~~ within their jurisdiction as a high, medium, or low threat to water quality. Continual evaluation of these ~~Industrial Facilities~~ should be based on such factors as type of industrial activities (~~i.e., SIC codes~~)⁵⁵, materials or wastes used or stored outside, pollutant discharge potential, compliance history, facility size, proximity and sensitivity of Receiving Waters and any other relevant factors ~~described in Section 8 of the DAMP~~. At a minimum, a high priority shall be assigned to: ~~Industrial Facilities~~ subject to section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA); ~~Industrial Facilities~~ that handle or generate pollutants for which the receiving water is impaired, facilities that have a significant potential to release pre-production plastics or nurdles into the environment, and ~~Industrial Facilities~~ with a high potential for or history of unauthorized, ~~Non-Storm Water~~ discharges.
2. Each ~~Co-Permittee~~ shall conduct ~~Industrial Facility~~ inspections for compliance with its ordinances, permits and this Order. Industrial ~~Facility~~ inspections shall be consistent with the requirements of the CAP program ~~or equivalent as described in Section 8 of the DAMP~~. ~~If an CAP or equivalent inspection indicates the need for follow-up, Co-Permittee follow-up inspections shall~~, include a review of the ~~Industrial Facility's~~ material and waste handling and storage practices, written documentation of pollutant control BMP implementation and maintenance procedures, digital photographic documentation of water quality violations as well as evidence of past or present unauthorized, ~~Non-Storm Water~~ discharges and enforcement actions issued at the time of ~~the Co-Permittee~~ inspection. Report of inspections shall be included in the ~~Annual Report~~ and shall ~~provide~~ the basis for downgrading or upgrading priority ranking of ~~Industrial Facilities~~.
3. All high priority ~~Industrial Facilities~~ are to be inspected at least once a year; all medium priority ~~Industrial Facilities~~ are to be inspected at least once every two years; and all low priority ~~Industrial Facilities~~ are to be inspected at least once ~~during the term of this Order~~. In the event that inappropriate material or waste handling or storage practices are observed, or unauthorized, non-storm water discharges are observed, an enforcement order shall be issued and a re-inspection frequency adequate to bring the ~~Industrial Facility~~ into compliance must be maintained (at a minimum, once a month or within the compliance schedule

⁵⁵ Industrial Facilities, as defined at 40 CFR § 122.26(b)(14), including those subject to the General Industrial Permit or other individual NPDES permit;

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<#>The Permittees' implementation of their construction storm water program shall be consistent with the latest version of the statewide General Construction Permit and the federal effluent guideline limitations, if any. At the time of drafting of this Order, action levels and numeric effluent limits were under consideration as part of the most recent draft of the General Construction Permit and the USEPA has released its draft federal effluent guideline limitations for construction sites.¶

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<#>Should it be determined by the Permittee that any applicable action levels or effluent guideline lim(... [43]

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prescribed by the Co-Permittee in a written notice to the discharger). Once compliance is achieved, a minimum inspection frequency of once every six months should be maintained for the annual reporting period.

4. Each Co-Permittee shall continually identify undocumented Industrial Facilities within its jurisdiction and shall add them to the database, as identified in Section XI.A.2. Additionally, each Industrial Facility shall be listed as per the criteria in specified in Section XI.C.1 within 15 days from the initial date of discovery of the Industrial Facility.
5. Each Permittee shall require Industrial Facilities to implement source control and pollution prevention measures consistent with the requirements of Section 8.4.1 of the DAMP.

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D. COMMERCIAL FACILITIES

1. Each Permittee shall continue to implement the CAP or equivalent, pursuant to Section 8, of the DAMP and Section XI.A.9, (complaints) of this Order; The Permittees shall update the Santa Ana Specific Elements of Section 8 of the DAMP to include the following facility types not covered by the CAP inspection program and the local POTW inspection program:
 - a. Transport, storage or transfer of pre-production plastic pellets;
 - b. Marinas and boat repair, maintenance, fueling or cleaning;
 - c. masonry facilities;
 - d. Building materials retailers and storage facilities; and
 - e. The facilities listed under the Santa Margarita Region Specific Elements.
2. The Permittees shall continue to develop BMPs applicable for each of the Commercial Facilities described in Section 8 of the DAMP.
3. The Co-Permittees shall continue to prioritize Commercial Facilities within their jurisdiction as a high, medium, or low threat to water quality based on such factors as the type, magnitude, and location of the commercial activity, proximity and sensitivity of Receiving Waters, potential for discharge of pollutants to the MS4, Commercial Facilities that handle or generate pollutants for which the Receiving Water is Impaired, frequency of CAP inspections, and facilities with a high potential for or history of unauthorized, Non-Storm Water discharges.
4. All high priority Commercial Facilities shall be inspected at least once per year; all medium priority Commercial Facilities shall be inspected at least every two years; and all low priority Commercial Facilities shall be inspected at least once during the term of this Order. At a minimum, each Commercial Facility shall be required to implement source control and pollution prevention BMPs consistent with the requirements of Section 8.4.1 of the DAMP. Co-Permittee, CAP (or equivalent)

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follow-up inspections should include a review of BMPs, implemented, their effectiveness and maintenance; written and photographic documentation of materials and waste handling and storage practices; evidence of past or present unauthorized, Non-Storm Water, discharges; and an assessment of management/employees awareness of storm water pollution prevention measures.

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5. In the event that inappropriate material or waste handling or storage practices are observed, or there is evidence of past or present unauthorized, non-storm water discharges, a written enforcement order shall be issued at the time of the initial inspection for CAP equivalent inspection programs or at the time of the CAP follow-up inspection, to bring the Commercial Facility into compliance.

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6. Within 18 months of adoption of this Order, the Co-Permittee shall notify all mobile businesses based within their jurisdiction concerning the minimum Source Control and Pollution Prevention BMPs that they must develop and implement. For purposes of this Order, mobile businesses include: mobile auto washing/detailing; equipment washing/cleaning; carpet, drape, furniture cleaning; and mobile high pressure or steam cleaning activities that are based out of a Co-Permittee's jurisdiction. The mobile businesses shall be required to implement appropriate BMPs within 3 months of being notified by the Co-Permittees. The Co-Permittees shall also notify mobile businesses discovered operating within their jurisdiction.

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<#>All violations of the Water Quality Ordinance shall be enforced by the Permittees and all violations of the Health and Safety Code should be enforced by the Public Health Agency.¶

7. Within 24 months of adoption of this Order, the Co-Permittees shall develop an enforcement strategy to address mobile businesses.

8. The Co-Permittees should continue to maintain the CAP, restaurant inspection program, or equivalent. Inspections for Commercial Facilities with restaurants shall, at a minimum, address:

- a. Oil and grease disposal to verify that these wastes are not poured onto a parking lots, streets or adjacent catch basins;
- b. Trash bin areas, to verify that these areas are clean, the bin lids are closed, the bins are not used for liquid waste disposal and wash water from the bins is not disposed of into the MS4;
- c. Parking lot, alley, sidewalk and street areas to verify that floor mats, filters and garbage containers are not washed in those areas and that no wash water is disposed of in those areas;
- d. Parking lot areas to verify that they are cleaned by sweeping, not by hosing down, and that the facility operator uses dry methods for spill cleanup; and,
- e. Violations of the Storm Water Ordinance shall be enforced by the jurisdictional Co-Permittee.

E. RESIDENTIAL PROGRAM

1. Within 18 months of adoption of this Order, each Co-Permittee shall develop and implement a residential program consistent with these requirements to reduce the

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discharge of pollutants from residential activities to the MS4, consistent with the MEP standard.

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2. The Co-Permittees shall identify residential activities that are potential sources of pollutants and develop and/or enhance Fact Sheets/BMPs as appropriate. At a minimum, this should include: residential auto washing and maintenance activities; use and disposal of pesticides, herbicides, fertilizers and household cleaners; and collection and disposal of pet wastes. The Permittees shall distribute the Fact Sheets/BMPs and appropriate information from organizations such as the Riverside Corona Resource Conservation District⁵⁶ and USDA's Backyard Conservation Program⁵⁷ to the residents to ensure that discharges from the residential areas are not causing or contributing to a violation of Water Quality Standards in the Receiving Waters.

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3. The Co-Permittees, collectively or individually, shall facilitate the proper collection and management of used oil, toxic and hazardous materials, and other household wastes. The Permittees should continue distribution of information regarding the dates and locations of temporary and permanent household hazardous waste and antifreeze, oil, battery and paint collection events and facilities, and financial support of household hazardous waste and antifreeze, oil, battery and paint collection facilities and events or curbside or special collection sites managed by the Co-Permittees or private entities, such as solid waste haulers.

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4. The Regional Board recommends continuation of Co-Permittee efforts to coordinate with local water purveyors and other stakeholders to encourage efficient irrigation and minimize runoff from residential areas.

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5. The Co-Permittees shall enforce their Storm Water Ordinance as appropriate to control the discharge of Pollutants associated with residential activities.

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6. Each Co-Permittee shall include an evaluation of its residential program in the Annual Report starting with the second Annual Report after adoption of this Order.

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XII. NEW DEVELOPMENT (INCLUDING SIGNIFICANT REDEVELOPMENT)

A. GENERAL REQUIREMENTS:

1. Each Co-Permittee, consistent with the DAMP, and requirements of this Order, when considering any map or permit for a New Development or Significant Redevelopment project for which discretionary approval is sought, must continue

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⁵⁶ The Riverside County Resource Conservation District (RCRCD) provides gardening and horticulture information appropriate for the area including native plant selection, backyard management, alternatives to pesticide, irrigation scheduling and composting. The RCRCD is sponsored by the cities and county of Riverside Storm water/Clean Water Protection Program.

⁵⁷ Backyard Conservation, Bringing Conservation from the Countryside to Your Backyard, USDA Natural Resources Conservation Service, National Association of Conservation Districts, Wildlife Habitat Council and National Audubon Society.

⁵⁹ This type of project may require a CWA Section 404 Permit

to require such map or permit to obtain coverage under the General Construction Permit, ~~where applicable, prior to the issuance of grading or construction permits.~~ Each Co-Permittee shall specify its verification procedure and any tools utilized for this purpose in its LIP.

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2. Each Co-Permittee must continue to implement those BMPs identified in Section 7.1 of the DAMP. Each Permittee shall ensure that the erosion and sediment control plans it approves include appropriate erosion and sediment control BMPs (i.e., erosion measures for slopes greater than a certain length or hill-side developments, ingress/egress controls, perimeter controls, run-on diversion, if significant) such that a distinct and effective combination of BMPs consistent with site risk is implemented through all phases of construction.

3. The land use approval process of each Co-Permittee must continue to require post-construction BMPs, ~~Source Control~~ BMPs and Treatment Control BMPs and identify their locations and long-term maintenance responsibilities consistent with the requirements of this Order.

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4. Each Permittee shall ensure, consistent with the MEP standard ~~and within the limits of its legal authority,~~ that runoff from New Development and Significant Redevelopment projects not regulated under this Order but that require encroachment permits for connections to the MS4 regulated under this Order are consistent with the requirements of this Order including the model WQMP for the Permit Area.

5. Each Permittee shall ensure that appropriate ~~BMPs~~ to reduce erosion ~~and mitigate Hydromodification~~ are included in the design for replacement of existing culverts or construction of new culverts and/or bridge crossings ~~to the MEP~~⁵⁹.

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6. Each Permittee shall ensure, consistent with the maximum extent practicable standard, that runoff from development projects it approves, or runoff from its MS4s does not cause erosion or nuisance to adjacent or downstream properties and stream channels or allowed to flow onto private property unless appropriate easements and maintenance agreements or other mechanisms have been established.

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7. Each Permittee shall ~~require applicants to~~ minimize the short and long-term adverse impacts on Receiving Water quality from New Development and Significant Redevelopment maps or permits where discretionary approval is sought, as required in Section XII.D below, by: (1) continuing to review, approve, and verify implementation of project-specific WQMPs, implementation of LID ~~principles, where feasible;~~ (2) addressing Hydrologic ~~Conditions of Concern;~~ and (3) ensuring that long

term BMP operation and maintenance mechanisms are in place prior to project closure or issuance of certificates of occupancy.

8. The requirements of Section XII.D below shall apply to Permittee projects that meet the New Development and Significant Redevelopment criteria.

9. Each Permittee shall participate in the development of a Watershed Action Plan, described in Section XII.B, below, to integrate water quality, stream protection and storm water management and re-use within the Permit Area with land use planning policies, ordinances, and plans.

B. WATERSHED ACTION PLAN

1. An integrated watershed management approach may facilitate integration of planning and project approval processes with water quality and quantity control measures. Management of the impacts of Permit Area urbanization on water quality and stream stability is more effectively done on a per-site, neighborhood and municipal basis based on an overall watershed plan. Pending completion of the Watershed Action Plan consistent with this section, management of the impacts of urbanization shall be accomplished using existing programs. The Permittees shall develop a Watershed Action Plan to address the entire Permit Area. The Permittees may choose to develop sub-watershed action plans based on the overall Watershed Action Plan in the future based on new 303(d) impairments, TMDL requirements, or other factors.
2. The Permittees shall develop and submit to the Executive Officer for approval a Watershed Action Plan that describes and implements the Permittees' approach to coordinated watershed management. The objective of the Watershed Action Plan is to address watershed scale water quality impacts of urbanization in the Permit Area associated with Urban TMDL WLAs, stream system vulnerability to Hydromodification from Urban Runoff, cumulative impacts of development on vulnerable streams, preservation of Beneficial Uses of streams in the Permit Area, and protection of water resources, including groundwater recharge areas.
3. Within three years of Permit adoption, the Co-Permittees shall develop the Watershed Action Plan and implementation tools to address impacts of urbanization in a holistic manner. At a minimum, the Watershed Action Plan shall include the following:
 - a. Describe proposed Regional BMP approaches that will be used to address Urban TMDL WLAs
 - b. Develop recommendations for specific retrofit studies of MS4, parks and recreational areas that incorporate opportunities for addressing TMDL

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Implementation Plans. Hydromodification from Urban Runoff and LID implementation.

- c. Description of regional efforts that benefit water quality (e.g. Western Riverside County Multiple Species Conservation Plan, TMDL Task Forces, Water Conservation Task Forces, Integrated Regional Watershed Management Plans) and their role in the WAP. The Permittees shall describe how these efforts link to their Urban Runoff Programs and identify any further coordination that should be promoted to address Urban WLA or Hydromodification from Urban Runoff to the MEP.
 - d. Within two years of adoption of this Order, the Permittees shall delineate existing unarmored or soft-armored stream channels in the Permit Area that are vulnerable to Hydromodification from New Development and Significant Redevelopment projects.
 - e. Within two years of completion of the delineation in Section XII.B.3.d above, develop a hydromodification management plan describing how the delineation will be used on a per project, sub-watershed, and watershed basis to manage hydromodification caused by urban runoff. The hydromodification management plan shall prioritize actions based on drainage feature/susceptibility/risk assessments.
 - f. The hydromodification management plan shall identify potential causes of identified stream degradation including a consideration of sediment yield and balance on a watershed or sub-watershed basis.
 - g. Develop and implement a Hydromodification Monitoring Plan (HMP) to evaluate hydromodification impacts for the drainage channels deemed most susceptible to degradation. The HMP will identify sites to be monitored, include an assessment methodology, and required follow-up actions based on monitoring results. Where applicable, monitoring sites may be used to evaluate the effectiveness of BMPs in preventing or reducing impacts from hydromodification.
4. Identify Impaired Waters [CWA § 303(d) listed] with identified Urban Runoff pollutant sources causing impairment, existing monitoring programs addressing those Pollutants, any BMPs that the Permittees are currently implementing, and any BMPs the Permittees are proposing to implement consistent with the other requirements of this Order. Upon completion of XII.B.3.d, develop a schedule to implement an integrated, world-wide-web available, regional geodatabase of the impaired waters [CWA § 303(d) listed], MS4 facilities, critical habitat preserves defined in the Multiple Species Habitat Conservation Plan and stream channels in the Permit Area that are vulnerable to Hydromodification from Urban Runoff.
5. Develop a schedule to maintain the geodatabase required in Section XII.B.4 and other available and relevant regulatory and technical documents associated with the Watershed Action Plan.

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6. Within three years of adoption of this Order, the Watershed Action Plan shall be submitted to the Executive Officer for approval and incorporation into the DAMP. Within six months of approval, each Permittee shall implement applicable provisions of the approved revised DAMP and incorporate applicable provisions of the revised DAMP into the LIPs for watershed wide coordination of the Watershed Action Plan.
7. The Permittees shall also incorporate Watershed Action Plan training, as appropriate, including training for upper-level managers and directors into the training programs described in Section XV. The Co-Permittees shall also provide outreach and education to the development community regarding the availability and function of appropriate web-enabled components of the Watershed Action Plan.
8. Invite participation and comments from resource conservation districts, water and utility agencies, state and federal agencies, non-governmental agencies and other interested parties in the development and use of the Watershed Geodatabase:

8. An integrated watershed management approach may facilitate integration of planning and project approval processes with water quality and quantity control measures. Management of the impacts of ~~Permit Area~~ urbanization on water quality and stream stability is more effectively done on a per-site, neighborhood and municipal basis based on an overall watershed plan. Pending completion of the Watershed Action Plan consistent with this section, management of the impacts of urbanization shall be accomplished on a per-project and per-jurisdiction basis through jurisdictional implementation of the watershed protection principles and project-specific WQMPs. ~~The Permittees shall develop a Watershed Action Plan to address the entire Permit Area.~~ The Permittees may choose to develop sub-watershed action plans based on the overall Watershed Action Plan in the future based on new 303(d) impairments, TMDL requirements, or other factors.
9. Within six months of adoption of this Order, the Principal Permittee shall facilitate the formation of a technical advisory committee (TAG) consisting of the Community Development/Planning Department directors and City/County Engineers of the Permittees to develop a Watershed Action Plan and to address other issues related to urban and storm water runoff management and planning and approval processes within each jurisdiction. Each Permittee shall participate in this watershed effort to address ~~Urban TMDL WLA and stream system vulnerability to~~

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<#>The Principal Permittee, in collaboration with the Co-Permittees, shall develop a Watershed Action Plan (WAP) that describes and implements the Permittees' approach to coordinated watershed management. The WAP shall improve coordination of existing programs and identify new and/or enhanced program elements as applicable. The objective of the WAP is to improve integration of water quality, stream protection, storm water management, water conservation and re-use, protection of water resources, including groundwater recharge areas, and flood protection with land use planning and development processes. The WAP shall be developed in two phases: ¶
<#>Phase 1: within 24 months of adoption of this Order, the Pri (... [45])

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Hydromodification from Urban Runoff, cumulative impacts of development on vulnerable streams, preserve structure and function of streams in the Permit Area, and protect water resources, including groundwater recharge areas.

10. Within three years of Permit adoption, the Co-Permittees shall develop the Watershed Action Plan and implementation tools to address impacts of urbanization in a holistic manner. At a minimum, the Watershed Action Plan shall include the following:

- d. Description of proposed Regional BMP approaches that will be used to address Urban TMDL WLA.
- b. Description of regional efforts that benefit water quality (e.g., Western Riverside County Multiple Species Conservation Plan, TMDL Task Forces, Water Conservation Task Forces, Integrated Regional Watershed Management Plans). The Permittees shall describe how these efforts link to their Urban Runoff Programs and identify any further coordination that should be promoted to address Urban WLA or Hydromodification from Urban Runoff to the MEP.
- e. Delineate existing unarmored or soft armored stream channels in the Permit Area that are vulnerable to Hydromodification from New Development and Significant Redevelopment projects and describe how the delineation will be used on a per project, sub-watershed, and watershed basis.
- d. Identify Impaired Waters [CWA § 303(d) listed] with identified Urban Runoff pollutant sources causing impairment, existing monitoring programs addressing those Pollutants, any BMPs that the Permittees are currently implementing, and any BMPs the Permittees are proposing to implement consistent with the other requirements of this Order.
- e. Develop integrated maps of the impaired waters [CWA § 303(d) listed] and stream channels in the Permit Area that are vulnerable to Hydromodification from Urban Runoff.

11. Within three years of adoption of this Order, the The Watershed Action Plan shall be submitted to the Executive Officer for approval and incorporation into the

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<#> Incorporate low impact development techniques, Smart Growth principles⁶¹, New Urbanism⁶², urban runoff capture, treatment, and re-use, water conservation principles in landscape choices and des ... [47]

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~~DAMP. Within six months of approval, each Permittee shall implement applicable provisions of the approved revised DAMP.~~

C. INCORPORATION OF WATERSHED PROTECTION PRINCIPLES INTO PLANNING PROCESSES

1. Within 24 months of adoption of this Order, each Co-Permittee shall review its general plan, and related documents including, but not limited to its development standards, zoning codes, conditions of approval and development project guidance to eliminate any barriers to implementation of the LID principles and Hydrologic Conditions of Concern discussed in Section XII.E of this Order. The results of this review along with any proposed action plans and schedules shall be reported in the Annual Report for the corresponding reporting year. Any changes to the project approval process or procedures shall be reflected in the LIP.

2. The Co-Permittees shall continue to ensure that their general plan and related land use ordinances and land use approval processes (including, but not limited to, its approved development standards, zoning ordinances, standard conditions of approval, or project development guidelines) ensure the principles and policies enumerated below are properly considered and are incorporated, as appropriate, into the land use approval process to the MEP:

a. Limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes and channels; minimize significant adverse impacts from Urban Runoff on the biological integrity of natural drainage systems and water bodies;

b. Minimize changes in hydrology and Pollutant loading; require incorporation of controls including Source Control and Treatment Control BMPs to mitigate any projected increases in Pollutant loads and flows; ensure that post-development runoff rates and velocities from a site do not adversely impact downstream erosion and stream habitat; minimize the quantity of Urban Runoff directed to impermeable surfaces and the MS4; and maximize the percentage of permeable surfaces to allow more percolation of Urban Runoff into the ground;

c. Preserve wetlands, riparian corridors, and buffer zones that provide important

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- water quality benefits; establish reasonable limits on the clearing of vegetation from the project site;
- d. Encourage the use of BMPs to manage Urban Runoff quantity and quality, consistent with XII.C.1 above;
- e. Provide for appropriate permanent measures to reduce Pollutant loads in Urban Runoff from the development site; and
- f. Establish development guidelines for areas particularly susceptible to erosion and sediment loss.
3. The Co-Permittees, when acting as a CEQA Lead Agency for a project requiring a CEQA document, must identify at the earliest possible time in the CEQA process resources under the jurisdiction by law of the Regional Board which may be affected by the project. The preliminary WQMP should identify the need for any CWA Section 401 certification. The Co-Permittees should coordinate project review with Regional Board staff pursuant to the requirements of CEQA. Upon request by Regional Board staff, this coordination shall include the timely provision of the discharger's identity and their contact information and the facilitation of early-consultation meetings.
4. The following potential impacts shall be considered during CEQA review:
- a. Potential impact of project construction on Urban Runoff.
- b. Potential impact of project's post-construction activity on Urban Runoff.
- c. Potential for discharge of Pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor areas.
- d. Potential for discharge of Urban Runoff to affect Beneficial Uses of the Receiving Waters.
- e. Potential for significant changes in the flow velocity and/or volume of Urban Runoff that could cause environmental harm.
- f. Potential for significant increases in erosion of the project site or surrounding areas.
5. Each Permittee shall provide the Regional Board with the draft amendment or revision when a pertinent General Plan element or the General Plan is noticed for comment in accordance with Govt. Code § 65350 et seq.
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- Deleted:** <#>The Principal Permittee, in collaboration with the TAC, shall develop common development standards, zoning codes, conditions of approval and other principles and policies necessary for water quality protection. Each Co-Permittee should incorporate appropriate provisions from these common development standards into its policies. ¶
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D. WATER QUALITY MANAGEMENT PLAN (WQMP) FOR URBAN RUNOFF (FOR NEW DEVELOPMENT/ SIGNIFICANT REDEVELOPMENT):

1. Each Permittee shall continue to require project-specific Water Quality Management Plans (WQMP) for those maps and permits ~~described below~~ for which discretionary approval is sought, and ~~as further~~ described in Section 6 and Appendix Q of the DAMP. Within 18 months of adoption of this Order, the ~~Principal Permittees~~ shall submit a revised WQMP to incorporate new elements required in this Order. The primary objective of the WQMP, by addressing ~~Site Design, Source Control and Treatment Control~~ BMPs applied on a regional, sub-regional or site specific basis, is to ensure that the land use approval process of each Co-Permittee will minimize Pollutant loads in Urban Runoff from ~~maps~~ or permits for which discretionary approval is given.

2. ~~Each Co-Permittee~~ shall ensure that an appropriate WQMP is prepared for the following categories of New Development and Significant Redevelopment projects, for which ~~a map or permit for~~ discretionary approval is sought:

a. *All significant re-development projects:* Significant re-development is defined as the addition or replacement of 5,000 or more square feet of impervious surface on an already developed site. ~~Significant~~ Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of the facility, or emergency redevelopment activity required to protect public health and safety. Where redevelopment results in an increase of less than fifty percent of the impervious surfaces of a previously existing developed site, and the existing development was not subject to WQMP requirements, the numeric sizing criteria discussed below applies only to the addition or replacement, and not to the entire developed site. Where redevelopment results in an increase of more than fifty percent of the impervious surfaces of a previously existing developed site, the numeric sizing criteria applies to the entire development.

b. ~~For purposes of this Order, the categories of development identified below, shall be collectively referred to as "New Development"~~

c. *New developments that create 10,000 square feet or more of impervious surface (collectively over the entire project site) including commercial and industrial projects and residential housing subdivisions requiring a Final Map. (i.e., detached single family home subdivisions, multi-family attached subdivisions, condominiums, apartments, etc.); mixed use and public projects (excluding Permittee road projects).* This category includes development projects on public and private land, which fall under the planning and building authority of the Co-Permittees.

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- d. Automotive repair shops (with SIC codes 5013, 5014, 5541, 7532-7534, 7536-7539).
- e. Restaurants (with SIC code 5812) where the land area of development is 5,000 square feet or more.
- f. Hillside developments ~~disturbing~~ 5,000 square feet or more which are located on areas with known erosive soil conditions or where the natural slope is twenty-five percent or more.
- g. Developments of 2,500 square feet of impervious surface or more adjacent to (within 200 feet) or discharging directly into ESAs.
- h. Parking lots of 5,000 square feet or more exposed to storm water. Parking lot is defined as land area or facility for the temporary parking or storage of motor vehicles.
- i. Street, roads, highways, and freeways⁶³ of 5,000 square feet or more of paved surface shall incorporate USEPA guidance, "Managing Wet Weather with Green Infrastructure: Green Streets" to the maximum extent practicable. This category includes any paved surface used for the transportation of automobiles, trucks, motorcycles, and other vehicles and excludes any routine road maintenance activities and widening projects where the footprint has not changed the grade and line is not changed.⁶⁴ -Municipal road project requirements are covered in Section XII.F. below.
- j. Retail Gasoline Outlets (RGOs) that are either 5,000 sq feet or more ~~with~~ a projected average daily traffic of 100 or more vehicles per day.
- k. Emergency public safety projects in any of the above-listed categories may be excluded if the delay caused due the requirement for a WQMP compromises public safety, public health and/or environmental protection.

3. WQMPs shall reflect consideration of the following goals, which may be addressed through on-site-and/or watershed-based BMPs:

- a. The pollutants in post-development runoff shall be reduced using controls that utilize best available technology (BAT) and best conventional technology (BCT).
- b. WQMPs shall include BMPs for the discharge of any urban sourced 303(d) listed Pollutant to an Impaired Waterbody on the 303(d) list such that the discharge,

⁶³Excludes municipal projects. See Section F for requirements for municipal road projects. Local agencies may specify the use of template developed for Permittee road projects for private road projects. ~~Provide a waiver for high pollution potential areas such as gas stations, convenience stores, industrial sites with significant exposure of materials, equipment and processes.~~

⁶⁴Excludes public road projects. See Section F for requirements for municipal road projects.

⁶⁵ Extra diligence should also be performed when proposing infiltration BMPs in areas where the proposed land use is often associated with soil and groundwater contamination,

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Deleted: <#>Street, roads, highways, and freeways⁶⁵ of 5,000 square feet or more of paved surface shall incorporate USEPA guidance, "Managing Wet Weather with Green Infrastructure: Green Streets" to the maximum extent practicable. This category includes any paved surface used for the transportation of automobiles, trucks, motorcycles, and other vehicles and excludes any routine road maintenance activities and widening projects where the footprint has not changed the grade and line is not changed.⁶⁶ Municipal road projects requirements are covered in Section F below. ¶

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shall not cause or contribute to an exceedance of Receiving Water Quality Objectives.

4. Treatment Control BMPs shall be in accordance with the approved WQMP and must be sized to comply with one of the following numeric sizing criteria:

- a. VOLUME - Volume-based Treatment Control BMPs shall be designed to infiltrate, filter, or treat either:
 - i. The volume of runoff produced from a 24-hour, 85th percentile storm event, as determined from the County of Riverside's 85th Percentile Precipitation Isopleth Map; or,
 - ii. The volume of annual runoff produced by the 85th percentile, 24-hour rainfall event determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (1998); or,
 - iii. The volume of annual runoff based on unit basin storage volume, to achieve 80% or more volume treatment by the method recommended in California Storm water Best Management Practices Handbook – Industrial/Commercial (1993); or,
 - iv. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile, 24-hour runoff event;
- OR
- b. FLOW - Flow-based BMPs shall be designed to infiltrate, filter, or treat either:
 - i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or,
 - ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or,
 - iii. The maximum flow rate of runoff, as determined from the local historical rainfall record that achieves approximately the same reduction in pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

5. Within 24 months of adoption of this Order, the Permittees shall develop a procedure for streamlining regulatory agency approval of regional Treatment Control BMPs. The recommendations should include information needed to be submitted to Regional Board for consideration of regional Treatment Control.

Deleted: <#>To reduce Pollutants in Urban Runoff, address hydromodification, and manage Urban Runoff as a resource to the MEP, WQMPs shall specify preferential use of site design BMPs that incorporate LID techniques in the following manner (from highest to the lowest priority): (1) Preventative measures (these are mostly non-structural measures, e.g., preservation of natural features to a level consistent with the MEP standard; minimization of Urban Runoff through clustering, reducing impervious areas, etc.); and (2) Mitigative measures (these are structural measures, such as, infiltration, harvesting and reuse, bio-treatment, etc.). The mitigative or structural site design BMPs shall also be prioritized (from highest to lowest priority): (1) Infiltration BMPs (examples include permeable pavement with infiltration beds, dry wells, infiltration trenches, surface and sub-surface infiltration basins and bioretention and bio-treatment BMPs that maximize infiltration). (2) BMPs that harvest and re-use (e.g., cisterns and rain barrels); and (3) Vegetated BMPs that do not infiltrate but promote evapotranspiration including bioretention, biofiltration and bio-treatment. Upon the Permittees' determination of LID infeasibility, water quality volume specified in item 4, below, that is not addressed by onsite or offsite LID site design BMPs as listed above shall be treated using structural treatment control BMPs that infiltrate, filter or treat the runoff. Structural treatment control systems

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BMPs. At a minimum, it should include: BMP location; type and effectiveness in removing ~~P~~ollutants of ~~C~~oncern; projects tributary to the regional treatment system; engineering design details; funding sources for construction, operation and maintenance; and parties responsible for monitoring effectiveness, operation and maintenance.

6. The Permittees shall ~~continue to~~ require ~~other~~ development projects ~~for which a map or permit for discretionary approval is sought~~ (projects that are not ~~New Developments or Significant Developments~~ required to develop project-specific WQMPs) to ~~incorporate conditions of approval, to require appropriate Site Design, Source Control, and any other BMPs which may or may not include Treatment Control~~ BMPs.

7. ~~The Permittees shall ensure that the revised WQMP addresses:~~
- ~~A review and update of Source Control BMPs required for New Development and Significant Redevelopment.~~
 - ~~Update of the list of Treatment Control BMPs, including an evaluation of their effectiveness based on national, statewide or regional studies.~~

8. Groundwater Protection:

~~Treatment Control BMPs utilizing infiltration [exclusive of incidental infiltration and BMPs not designed to primarily function as infiltration devices (such as grassy swales, detention basins, vegetated buffer strips, constructed wetlands, etc.)] must comply with the following minimum requirements to protect groundwater:~~

- ~~Use of structural infiltration treatment BMPs shall not cause or contribute to an exceedance of groundwater Water Quality Objectives.~~
- ~~Use of structural infiltration treatment BMPs shall not cause a nuisance or pollution as defined in Water Code Section 13050.~~
- ~~Use of structural infiltration treatment BMPs shall not be used in areas of known soil or groundwater contamination⁶⁸, without written authorization from the Regional Board Executive Officer.~~
- ~~Located at least 100 feet horizontally from any water supply well.~~
- ~~The vertical distance from the bottom of any infiltration structural treatment BMP to the historic high groundwater mark shall be at least 10 feet. Where the groundwater basins do not support beneficial uses, this vertical distance criteria may be reduced, provided groundwater quality is maintained.~~
- ~~Source control and pollution prevention control BMPs shall be implemented to protect groundwater quality.~~

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¶<#>The identification of those characteristics of the development of a commercial or industrial site that are likely to be a source of Pollutants in Urban Runoff that should be addressed during the land use approval process, and¶ ... [62]

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- g. Adequate pretreatment of runoff prior to infiltration shall be required in gas stations and large commercial parking lots.
- h. Unless adequate pre-treatment of runoff is provided prior to infiltration, structural infiltration treatment BMPs must not be used for areas of industrial or light industrial activity, such as: areas subject to high vehicular traffic (25,000 or more daily traffic), car washes; nurseries; or any other high threat to water quality land uses or activities⁶⁹.
- i. Class V injection wells or dry wells must not be placed in areas subject to vehicular⁷⁰ repair or maintenance activities⁷¹, such as an auto body repair shop, automotive repair shop, new and used car dealership, specialty repair shop (e.g., transmission and muffler repair shop), or any facility that does any vehicular repair work.

E. LOW IMPACT DEVELOPMENT (LID) AND HYDROMODIFICATION MANAGEMENT TO MINIMIZE IMPACTS FROM NEW DEVELOPMENT/SIGNIFICANT REDEVELOPMENT PROJECTS:

1. Within 18 months of adoption of this Order, the Permittees shall update the WQMP to address LID principles and Hydrologic Conditions of Concern consistent with the MEP standard. A copy of the updated WQMP shall be submitted to the Executive Officer for approval. Within six months of approval, each Permittee shall implement the updated WQMP. Onsite LID principles as close to Pollution sources as possible shall be given preference, however, project site, sub-regional or regional LID principles may also be applied.
2. The Permittees shall require those projects identified in Section XII.D.2. to infiltrate, harvest and re-use, evapotranspire and/or bio-treat⁷² the 85th percentile storm event ("design capture volume"). The design capture volume should be calculated as specified in Section XII.D.4.a, above. It is recognized that LID

⁶⁹ Unless a site assessment pursuant to criteria developed in Section XI.F.1 shows that site operations do not pose a threat to ground water.

⁷⁰ Vehicles include automobiles; motor vehicles include trucks, trains, boats, motor cycles, farm machineries, airplanes, and recreation vehicles such as snow mobiles, all terrain vehicles, and jet skis.

⁷¹ United States Environmental Protection Agency, Office of Water, EPA 816-R-00-008, September 2000
State Implementation Guidance - Revisions to the UIC Regulations for Class V Injection Wells and "Class V Rule" (Revisions to the Underground Injection Control Regulations for Class V Injection Wells, 64 FR 68546) indicate that these activities are prohibited from Class V injection wells.

⁷² A properly engineered and maintained bio-treatment system may be considered only if infiltration, harvesting and reuse and evapotranspiration cannot be feasibly implemented at a project site (feasibility criteria will be established in the WQMP [Section XII.G.1]. Specific design, operation and maintenance criteria for bio-treatment systems shall be part of the WQMP that will be produced by the Permittees.

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principles are not universally applicable and they are dependent on factors such as: soil conditions including soil compaction and permeability, groundwater levels, soil contaminants (Brownfield development), space restrictions (in-fill projects, redevelopment projects, high density development, transit-oriented developments), highest and best use of Urban Runoff (to support downstream uses), etc. Any portion of this volume that is not infiltrated, harvested and re-used, evapotranspired, and/or bio-treated shall be treated and discharged in accordance with the requirements, set forth in Section XII.G, below.

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The Permittees shall require those projects identified in D.3. to infiltrate, harvest and re-use, evapotranspire and/or bio-treat the 85th percentile storm event ("design capture volume"). The design capture volume should be calculated as specified in Section XII.D.5.a.1, above.

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3. The Permittees shall incorporate LID site design principles into the revised WQMP to reduce runoff to a level consistent with the MEP standard. The Co-Permittees shall require that New Development and Significant Redevelopment projects include Site Design BMPs during the development of the project-specific WQMP. The design goal shall be to maintain or replicate the pre-development hydrologic regime through the use of design techniques that create a functionally equivalent post-development hydrologic regime through site preservation techniques and the use of integrated and distributed infiltration, retention, detention, evapotranspiration, filtration and treatment systems. The revised WQMP should continue to consider Site Design BMPs described in Appendix O of the DAMP and LID principles described in the pending Southern California Stormwater Monitoring Coalition/CASQA LID Guidance Manual for Southern California.

4. Within 18 months of adoption of this Order, each Permittee should consider revising ordinances, codes, building and landscape design standards to promote green infrastructure/LID techniques including, but not limited to, the following:

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- a. Landscaping designs that promote longer water retention and evapotranspiration such as 1 foot depth of compost/top soil in commercial and residential areas on top of 1 foot of non-compacted subsoil, concave landscape grading to allow runoff from impervious surfaces, and water conservation by selection of water efficient native plants, weather-based irrigation controllers, etc.
- b. Allow permeable surface designs in low traffic roads and parking lots. This may require land use/building code amendment.
- c. Allow natural drainage systems for street construction and catchments (with no drainage pipes) and allow vegetated ditches and swales where feasible.
- d. Require landscape in parking lots to provide treatment, retention or infiltration.
- e. Reduce curb requirements where adequate drainage, conveyance, treatment and storage are available.

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- f. Amend land use/building codes to allow no curbs, curb cuts and/or stop blocks in parking areas and residential streets with low traffic.
- g. Use of green roof, rain garden, and other green infrastructure in urban/suburban area.
- h. Allow rainwater harvesting and reuse.
- i. Narrow streets, provide alternatives to minimum parking requirements, etc. to facilitate LID where acceptable to public safety departments.
- j. Consider vegetated landscape for storm water treatment as an integral element of streets, parking lots, playground and buildings.
- k. Consider and facilitate application of landform grading techniques⁷³ and revegetation as an alternative to traditional approaches, particularly in areas susceptible to erosion and sediment loss such as hillside development projects.
- l. Other site design BMPs identified in the WQMP not included above.

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5. Consistent with the requirements of AB 1881, each co-Permittee is mandated to update its landscape ordinance. The bill requires the local agencies to adopt the State Model Water Efficient Landscape Ordinance⁷⁴ or prepare one that is "at least as effective" as the State Model by January 2010. The proposed state model ordinance applies to landscape requiring a building or landscape permit, plan check or design review. Each Permittee shall provide the Regional Board a copy of its report to Department of Water Resources (DWR).

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6. Co-Permittees are updating their landscape ordinance consistent with the requirements of AB 1881. The State Model Water Efficient Landscape Ordinance⁷⁵ requires one "at least as effective" as the State Model by January 2010. The proposed state model ordinance applies to landscape requiring a building or landscape permit, plan check or design review. The Permittees shall annually evaluate and report the effectiveness of their landscape ordinance with respect to water efficiency and conservation goals.

6. Each Permittee shall implement effective education programs to educate property owners to use Pollution Prevention measures and to maintain on-site hydrologically functional landscape controls.

7. To reduce Pollutants in Urban Runoff, address hydromodification, and manage Urban Runoff as a resource to the MEP, the revised WQMP, shall specify

⁷³<http://www.epa.gov/region3/mtn/top/pdf/Appendixes/Appendix%20D%20Aquatic/Aquatic%20Ecosystem%20Enhanc.%20Symp/Proceedings/Support%20Info/Schor/Landform.pdf>

⁷⁴http://www.owue.water.ca.gov/docs/final_reg_text.pdf

⁷⁵http://www.owue.water.ca.gov/docs/final_reg_text.pdf

preferential use of site design BMPs that incorporate LID techniques, where feasible, in the following manner (from highest to the lowest priority):

- a. Preventative measures (these are mostly non-structural measures, e.g., preservation of natural features to a level consistent with the MEP standard; minimization of Urban Runoff through clustering, reducing impervious areas, etc.) and
- b. Mitigation measures (these are structural measures, such as, infiltration, harvesting and reuse, bio-treatment, etc.).

8. The mitigation or structural Site Design BMPs shall also be prioritized (from highest to lowest priority):

- a. Infiltration BMPs (examples include permeable pavement with infiltration beds, dry wells, infiltration trenches, surface and sub-surface infiltration basins. The Permittees should work with local groundwater management agencies to ensure that infiltration Treatment Control BMPs are designed appropriately;
- b. BMPs that harvest and re-use (e.g., cisterns and rain barrels); and
- c. Vegetated BMPs that promote infiltration and evapotranspiration including bioretention, biofiltration and bio-treatment. Upon the Permittees' determination of LID infeasibility per Section XII.G, design capture volume, specified in Section XII.D.4, that is not addressed by onsite or offsite LID, Site Design BMPs as listed above shall be treated using Treatment Control BMPs as described in Section XII.G.

9. Hydrologic Condition of Concern (HCOC):

- a. The Permittees shall continue to ensure, consistent with the MEP standard, through their review and approval of project-specific WQMPs that New Development and Significant Redevelopment projects do not pose a hydrologic condition of concern due to increased runoff volumes and velocities.
- b. A New Development and Significant Redevelopment project does not cause a Hydrologic Condition of Concern if any one of the following conditions is met:
 - i. The project disturbs less than one acre and is not part of a common plan of development.

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8. The Permittees shall reflect in the Water Quality Management Plan Guidance and Template and require each priority development project to infiltrate, harvest and re-use, evapotranspire, or bio-treat⁷⁶ the 85th percentile storm event ("..."), as...XI.D.5.I.1, above. Any portion of the design capture volume...infiltrated, harvested and re-used, evapotranspired or bio-treated⁷⁷ ...by LID BMPs shall be treated and discharged in accordance with the requirements set forth in Section XI.E.8 and/or Section XI.F, below. ¶
<#>Within twelve months of adoption of this Order, the Permittees shall review and update the Water Quality Management Plan Guidance and Template to incorporate LID principles and to address the ... [72]

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ii) The volume, duration, and time of concentration⁷⁹ of storm water runoff for the post-development condition is not significantly different from pre-development condition for a 2- and 10-year return frequency storms (a difference of 5% or less is considered insignificant) for flow rates greater than 10% of the 2-year event. This may be achieved through Site Design and Treatment Control BMPs.

~~If the project site infiltrates, harvests and re-uses or evapotranspires at least the design capture volume.~~

iii) All downstream conveyance channels to an adequate sump (e.g. Prado Dam, Lake Elsinore, Canyon Lake, Santa Ana River or other lake, reservoir or natural resistant feature) that will receive runoff from the project are engineered and regularly maintained to ensure design flow capacity, and no sensitive stream habitat areas will be affected; or not identified in the Permittees hydromodification sensitivity maps required in Section XII.B.3., and no sensitive stream habitat areas will be affected.

iv) ~~If there is no discharge from the project site to receiving waters under the 2- and 10-year storm event, The Permittees may request a variance from these criteria based on studies conducted by the Southern California Stormwater Monitoring Coalition, Southern California Coastal Watershed Research Project, CASQA, or other regional studies. Requests for consideration of any variances should be submitted to the Executive Officer.~~

c.) If a hydrologic condition of concern exists, the WQMP shall include an evaluation of whether the project will adversely impact downstream erosion, sedimentation or stream habitat. This evaluation should include consideration of pre- and post-development hydrograph volumes, time of concentration and peak discharge velocities for a 2-and 10-year storm event, construction of sediment budgets, and a sediment transport analysis. If the evaluation determines adverse impacts are likely to occur, the project proponent shall implement additional Site Design BMPs, on-site BMPs, Treatment Control BMPs and/or in-stream BMPs⁸⁰ to mitigate the impacts. The project proponent should first consider Site Design BMPs and on-site BMPs prior to proposing in-stream BMPs; in-stream BMPs must not adversely impact Beneficial Uses or

⁷⁹ Time of concentration is defined as the time after the beginning of rainfall when all portions of the drainage basin are contributing simultaneously to flow at the outlet.

⁸⁰ In-stream measures involve modifying the receiving stream channel slope and geometry so that the stream can convey the new flow regime without increasing the potential for erosion and aggradation. In-stream measures are intended to improve long-term channel stability and prevent erosion by reducing the erosive forces imposed on the channel boundary.

⁸² In-stream control projects require a Stream Alteration Agreement from the California Department of Fish &

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result in sustained degradation of Receiving Water quality and shall require all necessary regulatory approvals⁸².

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d. Hydrologic conditions of concern are considered mitigated if they meet one of the following conditions:

i. Require additional onsite or offsite mitigation to address potential erosion or habitat impact using LID BMPs

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ii. BMPs address sensitivity of the Receiving Waters in proximity to the project site to changes in storm water discharge, flow rates, velocities, durations, time of concentration and volumes.

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iii. The project is developed consistent with an approved Watershed Action Plan that addresses hydrologic conditions of concern for the downstream Receiving Waters.

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d) . Mitigate the HCOC through implementation of the

iv. Mimicking the pre-development hydrograph with the post-development hydrograph, for a 2-year and 10 year return frequency storm. Generally, the hydrologic conditions of concern are not significant, if the post-development hydrograph is no more than 5% greater than pre-development hydrograph. In cases where excess volume cannot be infiltrated or captured and reused, discharge from the site must be limited to a flow rate no greater than 1050% of the pre-development 2-and 10-year peak flow.

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e. If site conditions do not permit items i, through iv, above, the alternatives and in-lieu programs discussed under Section XII.G, below, may be considered.

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F. Permittee Road Projects

Within 24 months of adoption of this Order, the Principal Permittee, in cooperation with the Co-Permittees, shall develop standard design and post-development BMP guidance to be incorporated into projects for public streets, roads, highways, and freeway improvements, to reduce the discharge of pollutants from the projects to the MEP. The draft guidance shall be submitted to the Executive Officer for review and approval and shall meet the performance standards for site design/LID BMPs, source control and treatment control BMPs as well as the HCOC criteria. The guidance and BMPs shall address any paved surface used for transportation of automobiles, trucks, motorcycles, and other vehicles, and excludes routine road maintenance activities where the surface footprint is not increased. The guidance shall incorporate principles contained in the USEPA guidance, "Managing Wet Weather with Green Infrastructure: Green Streets" to the maximum extent practicable and at a minimum shall include the following:

1. Guidance specific to new road projects;
2. Guidance specific to projects for existing roads;
3. Size or impervious area criteria that trigger project coverage;
4. Preference for green infrastructure approaches wherever feasible;

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5. Criteria for design and BMP feasibility analyses on a project –specific basis.
Within six months of approval by the Executive Officer, the Permittees shall implement the standard design and post-development BMP guidance for all road projects.

G. ALTERNATIVES AND IN-LIEU PROGRAMS

1. Within 12 18 months of adoption of this Order, the Permittees shall develop technically-based feasibility criteria for project evaluation to determine the feasibility of implementing LID BMPs which may include factors such as a groundwater protection assessment to determine if infiltration BMPs are appropriate for the site⁸³. These criteria shall be submitted to the Executive Officer for approval. Only those projects that have completed a feasibility analysis as per the approved criteria should be considered for alternatives and in-lieu programs.

If a particular BMP is not technically feasible, other BMPs should be implemented to achieve the same level of compliance, or if the cost of BMP implementation greatly outweighs the Pollution control benefits, the Co-Permittees may grant a waiver of the BMPs. All waivers, along with waiver justification documentation, must be submitted to the Executive Officer in writing within 30 days.

2. The Permittees may collectively or individually propose to establish an Urban Runoff fund to be used for urban water quality improvement projects within the same watershed that is funded by contributions from developers granted waivers. The contributions should be at least equivalent to the cost savings for waived projects. If a waiver is granted and an Urban Runoff fund is established, the Annual Report for the year should include the following information with respect to the Urban Runoff fund:

a. Total amount deposited into the funds and

b. The party responsible for managing the Urban Runoff fund;

3. The obligation to install Treatment Control BMPs at a New Development or Significant Redevelopment project is met if, for a common plan of development, BMPs are constructed with the requisite capacity to serve the entire common project, even if certain phases of the common project may not have BMP capacity located on that phase in accordance with the requirements specified above. The goal of the WQMP is to develop and implement practicable programs and policies to minimize the effects of urbanization on site hydrology, Urban Runoff flow rates, velocities, duration and time of concentration and Pollutant loads. This goal may

⁸³ Such feasibility determinations may be based on regional analyses conducted by the Permittees (see finding G-14) or on site specific conditions. Site specific determinations shall be certified by a Professional Civil Engineer registered in the State of California, and will be documented in the project WQMP, which shall be approved by the Permittee prior to submittal to the Executive Officer. Within 30 days of submittal to the Executive Officer, the Permittee will be notified if the Executive Officer intends to take any action.

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be achieved through watershed-based Treatment Control BMPs, in combination with site-specific BMPs. All Treatment Control BMPs should be located as close as possible to the Pollutant sources, should not be located within waters of the US, and Pollutant removal should be accomplished prior to discharge to Waters of the US. Regional Treatment Control BMPs shall be operational prior to occupation of any of the New Development or Significant Redevelopment project sites tributary to the regional Treatment Control BMP.

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4. The Permittees may establish, where feasible and practicable, a water quality credit system for alternatives to infiltration, harvesting and re-use, evapotranspiration and other LID and Hydromodification requirements specified above. A summary of any waivers of LID, Hydromodification and Treatment Control BMPs, should be included in the Annual Report. The following types of projects may be included in this credit system:

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a. Redevelopment projects that reduces the overall impervious area

b. Brownfield redevelopment

c. High density developments (>7 units per acre)

d. Mixed use and transit-oriented development (within ½ mile of transit)

e. Dedication of undeveloped portions of the project site to parks, preservation areas and other pervious uses

f. Regional treatment systems with a capacity to treat flows from all upstream developments

g. Contribution to an Urban Runoff fund (see XII.F.2, above)

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h. Offsite mitigation or dedicated mitigation areas within the same watershed

i. Highly urbanized areas such as city center area

j. Historic Districts and Historic Preservation areas

k. Live-work developments

l. In-fill projects

m. Projects that enhance the transport of coarse sediment to the coast for beach replenishment.

H. APPROVAL OF WQMP

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Within 18 months of adoption of this Order, each Permittee shall develop and implement standard procedures and tools and include in its LIP the following:

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1. The Permittees shall utilize a mechanism for review and approval of WQMPs, including a checklist that incorporates the minimum requirements of the model

WQMP. The project for review and approval shall be described in the Permittees LIP.

2. The Co-Permittees shall maintain a database to track Treatment Control BMPs consistent with XII.J.4 below).
3. Continue to ensure that the entity(ies) responsible for BMP maintenance and the mechanism for BMP funding is identified prior to WQMP approval.
4. The Permittees shall train those involved with WQMP reviews in accordance with Section XV, Training Requirements.

I. FIELD VERIFICATION OF BMPS

1. The Co-Permittees' permit close-out procedures shall include field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved WQMP.
2. Prior to occupancy, the Co-Permittees shall verify through visual observation that the BMPs are working and functional.
3. The Co-Permittees may accept self-certification or third-party certification of BMPs from State-licensed professional engineers.

J. CHANGE OF OWNERSHIP AND RECORDATION

The Co-Permittees shall establish a mechanism to ensure that appropriate easements and ownerships are properly recorded in public records at the County and/or the city and the information is conveyed to all appropriate parties when there is a change in project or site ownership.

K. OPERATION AND MAINTENANCE OF POST-CONSTRUCTION BMPS

1. The Co-Permittees shall ensure that Treatment Control BMPs are designed and implemented with control measures necessary to effectively minimize the creation of nuisance or pollution associated with vectors, such as mosquitoes, rodents, flies, etc. The Co-Permittee should work with the local vector agencies to ensure that Treatment Control BMPs are designed to minimize the potential for vector breeding during operation and maintenance.
2. The Co-Permittees shall specify conditions of approval and as built inspections ensure that require proper maintenance and operation of any Treatment Control BMPs including requirements for vector control.

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3. The parties responsible for the maintenance and operation of the Treatment Control BMPs, and a funding mechanism for operation and maintenance of Treatment Control BMPs for the life of the project shall be identified prior to issuance of occupancy permits. Design of these structures shall allow adequate access for maintenance.

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4. Each Co-Permittee shall maintain a database to track the operation and maintenance of the Treatment Control BMPs installed after adoption of this Order. The database shall include: type of BMP; watershed where it is located; date of certification; party responsible for maintenance and any problems identified during inspection including any vector or nuisance problems.

5. Within 18 months of adoption of this order and annually thereafter, all public agency Treatment Control BMPs installed after the date of this Order shall be inspected prior to the Rainy Season. The Co-Permittees shall also develop an inspection frequency for New Development and Significant Redevelopment projects, based on the project type and the type of Treatment Control BMPs deployed. Pursuant to XII.J.4, all New Development and Significant Redevelopment Treatment Control BMPs shall be inspected within the five-year Permit Term. The Co-Permittees shall ensure that the BMPs are operating and are maintained properly and all control measures are working effectively to remove Pollutants in runoff from the site. If vector problems are identified, the Co-Permittees should work with the vector control agencies to remedy vector control problems. All inspections shall be documented and kept as Permittee record. The Co-Permittees may accept inspection reports conducted and certified by state licensed professional engineers in lieu of Co-Permittee inspections.

6. The Annual Report shall include a list of all Treatment Control BMPs approved contained in the database required in XII.J.4 above.

L. PRE-APPROVED PROJECTS

The above provisions for LID and hydrologic conditions of concern are not applicable to projects that have an approved WQMP as of the date of approval of the revised WQMP. The above provisions shall be implemented in a manner consistent with the MEP standard for all other projects 45 days from the date of approval of the revised WQMP. The Regional Board recognizes that full implementation may not be feasible for certain projects which have received tentative tract or parcel map or other discretionary approvals.

XIII. PUBLIC EDUCATION AND OUTREACH

A. The Permittees shall continue to implement the public education efforts already underway and shall continue to promote the most effective elements of the comprehensive public and business education strategy contained in the ROWD and Section 10 of the DAMP. As part of the Annual Report, the Permittees shall review their public education and outreach efforts and revise their activities to adapt to the needs identified in the annual reassessment of program priorities with particular emphasis on addressing the Pollutants of Concern. Results of this review shall direct the focus of its public education effort and cause recommendations for any changes to the public and business education program including: (1) how to make the multimedia efforts more effective; (2) a reevaluation of audiences and key messages for targeted behaviors; and (3) opportunities for participation in regional and statewide public education efforts. The goal of the public and business education program shall be to target 100% of the residents, including businesses, commercial and industrial establishments.

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B. A status report on the requirements of this section and any changes to the on-going public education program shall be described in the annual report.

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C. The Permittees shall implement an assessment program to measurably increase public knowledge of its communities regarding MS4 and impacts of Urban Runoff on Receiving Waters. The Permittees shall implement programs that can measure the change in behavior of its target communities to reduce Pollutant releases to the MS4 and the environment. A description of the program tasks, schedule and measurable goals shall be included in the first Annual Report due after adoption of this Order.

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D. When feasible, the Permittees shall participate in joint outreach programs with other agencies including, but not limited to, the Santa Ana Watershed Project Authority, Caltrans, and other county and municipal storm water programs to ensure that a consistent message on storm water pollution prevention is disseminated to the public.

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E. The Permittees shall continue to ensure that appropriate outreach materials are available for construction, industrial and commercial inspection programs. Outreach materials should be provided to Permittee inspectors for distribution to inspected facilities.

Deleted: <#> The Permittees shall ensure implementation of BMPs listed in the DAMP, the LIP and/or the Water Quality Management Plan for restaurants, automotive service centers, gasoline stations and other similar facilities by distributing BMP brochures or other fact sheets to those facilities during inspections and/or through other means. Adequacy of BMP implementation during inspections subsequent to distribution of BMP fact sheets shall be one measure of the effectiveness of public outreach efforts.¶

F. Within 18 months from the date of adoption of this Order, the Permittees shall ensure that they have developed, maintained and distributed BMP guidance for the control of those potentially polluting activities identified during the term of the 2002 MS4 Permit, which are not otherwise regulated by any agency, including guidelines for the household use of fertilizers, pesticides, herbicides and other chemicals, and guidance for mobile vehicle maintenance, carpet cleaners, commercial landscape maintenance, and pavement cutting. These guidance documents shall be distributed to the public, trade associations, etc., through participation in community events, trade association meetings and/or by mail.

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G. The Permittees shall ensure that appropriate educational materials, including the BMP brochures, are provided to all new industrial and commercial enterprises within their jurisdiction at the time appropriate permits (e.g. business licenses or occupancy permits) are issued.

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H. The Permittees shall continue to maintain, and if necessary enhance, public education materials to encourage the public to report: illegal dumping and unauthorized, non-storm water discharges from residential, industrial, construction and commercial sites into public streets, storm drains and to surface waterbodies and their tributaries; clogged storm drains; and faded stencils or missing catch basin markers. The Principal Permittee's hotline and web site shall provide guidance regarding where to locate information regarding general Urban Runoff pollution control measures. The hotline and website information shall be included in outreach materials, and shall be listed in the governmental pages of prominent regional phone books and on the Co-Permittees' website.

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I. The Permittees shall maintain a Public Education Committee to provide oversight and guidance for the implementation of the public education program. The Permittees shall continue to participate in the Public Education Committee to review and update existing guidance for the implementation of the public education program. One of the functions of the Public Education Committee shall be to review outreach materials for construction, industrial and commercial inspection programs and residential outreach to ensure they appropriately address common violations observed during inspections. Once deficiencies are identified, alternative text to address the deficiency shall be developed within 6 months and reported in the Annual Report. The Public Education Committee shall meet at least twice per year.

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J. The Permittees shall continue to sponsor or staff a table or booth at community, regional, and/or countywide events to distribute public education materials related to Urban Runoff pollution prevention to the public. Each Permittee shall participate in at least one event per year.

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K. Successful implementation of the provisions and limitations in this Order will require the cooperation of all the public agency organizations within Riverside County having programs/activities that have an impact on Urban Runoff quality. This may include, but not be limited to, those listed in Appendix 2. As such, the Permittees should coordinate their efforts with those organizations where feasible and appropriate to ensure participation in implementing the requirements of this Order. The Permittees should notify the Regional Board where assistance is needed improving local cooperation.

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L. Within 18 months of adoption of this Order, each Permittee shall develop BMP Fact Sheets for mobile businesses for distribution consistent with the requirements of Section XI.D.6. At a minimum, the mobile business Fact Sheets/training program should

include: laws and regulations dealing with Urban Runoff and discharges to MS4; appropriate BMPs and proper procedures for disposing of wastes generated from each mobile business category.

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M. The Principal Permittee shall continue to develop and distribute BMP guidance for Permittee and contract field operations and maintenance staff to provide guidance in appropriate Pollution Prevention measures, how to respond to spills and reports of Illegal Discharges, etc

XIV. PERMITTEE FACILITIES AND ACTIVITIES

A. Each Permittee shall continue to implement measures to ensure that their facilities and activities do not cause or contribute to a Pollution or Nuisance in Receiving Waters, as defined in Section 13050 of the Water Code. The Permittees must annually review their activities and facilities to determine the need for revisions to Section 5 of the DAMP and to their LIP. The Annual Report shall include the findings of this review and a schedule for any needed revisions. The Permittees should continue to use Facility Pollution Prevention Plans as noted in Chapter 5 of the DAMP to ensure that the Permittee facilities are not sources of Pollutants to the Waters of the U.S. to the MEP.

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Deleted: During the Second Term Permit, Permittees developed a Municipal Facilities Strategy to identify types of municipal facilities they operate which have potential to contribute pollutants to Urban Runoff, which was incorporate into Section 5 of the DAMP. By July 1 of each year, the

B. Within 12 months of adoption of this Order, each Permittee shall review its inventory of fixed facilities listed in the DAMP, its field operations and drainage facilities to ensure that Permittee facilities and activities are addressed by Facility Pollution Prevention Plans consistent with Chapter 5 of the DAMP and do not cause or contribute to a Pollution or Nuisance in Receiving Waters. Existing Facility Pollution Prevention Plans shall be reviewed to insure proper BMPs for these facilities. For Permittee facilities and/or activities tributary to CWA Section 303(d) Impaired Water Bodies, that generate Pollutants for which the water body is Impaired, additional Pollutant-specific source control BMPs to target that Pollutant shall be identified and implemented in the Facility Pollution Prevention Plan to the MEP.

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C. Each Permittee shall conduct inspections of its fixed facilities and field operations identified in Chapter 5 of the DAMP annually to ensure that they do not contribute Pollutants to Receiving Waters. The Permittees shall record the findings in the inspection forms developed by the Permittees. Each Permittee shall implement BMPs to manage the application, storage, and disposal of pesticides, herbicides, and fertilizers associated with their facilities and activities. At a minimum, the Facility Pollution Prevention Plans for these facilities and activities shall:

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1. Ensure that Permittee applicators (including contractors) and distributors have appropriate training, permits, and certifications;

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2. Utilize integrated pest management measures that rely on non-chemical solutions, to the extent practicable;

3. Promote the use of native vegetation into facility landscaping;

4. Include schedules for irrigation and chemical application to the extent feasible; and

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5. Collect and properly dispose of unused pesticides, herbicides, and fertilizers.

6. The following BMP fact sheets are identified as minimum BMPs:

Deleted: in the fact sheets developed by the Permittees:

i. SC-35/SC-61, Safer Alternative Products

ii. SC-41, Building & Grounds Maintenance

iii. SC-60, Housekeeping Practices

iv. SC-73, Landscape Maintenance

D. Each Permittee shall review, update, and implement the individual clean out schedules and frequency for its MS4, including open channel MS4, catch basins, retention/detention facilities and wetlands created for Urban Runoff treatment during the wet and dry season to protect Receiving Water quality consistent with the MEP standard. The inspection and cleaning frequency for all portions of the specified MS4 shall be included in each Permittee's LIP and shall be evaluated annually to determine the need for adjusting the inspection and cleaning frequency. Each Permittee must clean those MS4 facilities where there is evidence of Illegal Discharge. In addition, each Permittee must clean those retention/detention basins and conveyance systems where the inspection reveals that the storage volume is about 25% full or if accumulated sediment or debris impairs the hydraulic capacity of the facility.

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E. Unless otherwise supported by field information, each Permittee shall at a minimum inspect, clean, and maintain at least 80% of its open channels, catch basins, retention/detention basins, and wetlands created for Urban Runoff treatment on an annual basis, with 100% of the facilities in a two year period. The MS4 clean out schedule shall continue to be included in the Annual Report.

F. Each Permittee shall examine opportunities to retrofit existing MS4 facilities with water quality protection measures, where feasible.

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<#>The Permittees shall maintain an updated site-specific Urban Runoff Pollution Prevention Plan for their facilities and activities that have a potential to contribute to pollution or nuisance in receiving waters. ¶
<#>The Permittees shall ensure that their flood management processes and projects do not contribute Pollutants to Receiving Waters. ¶

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G. PERMITTEE COMPLIANCE WITH GENERAL PERMITS

1. GENERAL CONSTRUCTION PERMIT

a. All Permittee construction activities shall be in compliance with the latest adopted version of the General Construction Permit.

b. This Order authorizes the discharge of storm water runoff from Permittee construction projects that may result in land disturbance consistent with the acreage criteria of the General Construction Permit.

c. Prior to commencement of construction activities, the Permittees shall notify the Executive Officer of the proposed construction project by submitting a

NOI, or Permit Registration Documents (PRDs) as provided in Attachment 5, and a location map depicting the project location. The filing fees for these NOIs/PRDs are waived for the Permittees.

d. Upon completion of the construction project, the Executive Officer shall be notified of the completion of the project by submitting, (1) A Notice of Termination (NOT), provided in Attachment 5, (2) Photographs of the completed project; (3) A site map (depicting the project location and the locations of structural post-construction BMPs, including the latitude and longitude, if appropriate); and (4) copies of the final field verification reports required under Section VII.L.

e. The Permittees shall develop, approve, and implement a WQMP for Permittee projects that meet the requirements of Section XII.D. of this Order.

f. The Permittees shall develop and implement a SWPPP and the monitoring and reporting program for their construction projects that meet the requirements of the latest version of the General Construction Permit. The Permittee must review and approve SWPPPs prepared by their contractors.

g. The Permittees shall give advance notice to the Executive Officer of planned changes in the construction activity, which may result in non-compliance with the latest version of the General Construction Permit.

h. Emergency Permittee projects required to protect public health and safety are exempted from compliance with the requirements of this subsection until the emergency ends, at which time they need to comply with the requirements of this section.

2. GENERAL DE-MINIMUS PERMIT DISCHARGES

a. The Permittees are authorized to discharge de-minimus types of discharges listed under the latest adopted version of the Regional Board's General De Minimus Discharge Permit, currently Order No. R8-2009-0003. The de-minimus discharges from Permittee owned and/or operated facilities and/or activities shall be in compliance with Order No. R8-2009-0003 except that the Permittees need not file a NOI under the de-minimus permit and need not pay the filing fee. However, the Permittees shall notify the Executive Officer of each proposed discharge at least 15 days prior to start of the discharge.

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- b. The Permittees shall notify the Executive Officer of the proposed discharge at least 15 days prior to start of the discharge, by submitting a NOI and supporting documents, as provided in Attachment 7.
- c. For existing Dischargers (authorized to discharge under Order No. R8-2009-003 prior to the adoption date of this Order), discharges will continue to be regulated under the terms and conditions of Order No. R8-2003-003 until a new discharge authorization is issued, provided that the Discharger submits, no later than June 10, 2010, an updated NOI, a copy of the current Monitoring & Reporting Program previously issued to the Discharger, and proposed treatment modifications (if any). If no application for continued discharges are submitted by that date, the Discharger shall do one of the following:
- i. Cease discharge and submit a letter informing the Regional Board that coverage under Order R8-2009-003 is no longer needed; or
 - ii. Apply for new discharge authorization as a new de-minimus discharge, under this Order.
- d. ~~12 months adoption of this Order, the Permittees shall revise their LIP to include the following information regarding their known or existing de minimus discharges, if any:~~
- ~~1) The type of de minimus discharges including potential pollutants and concentration of each constituent from each source.~~
 - ~~2) The estimated average and maximum daily flow rates in million gallons per day (mgd), the expected start date of discharge, the frequency and duration of the discharge;~~
 - ~~3) The proposed discharge location(s), including latitude and longitude, for each discharge;~~
 - ~~4) A description of the BMPs and proposed treatment system (if appropriate);~~
 - ~~5) The affected receiving water;~~
 - ~~6) A map showing the flow path from the point of initial discharge to the receiving water.~~
 - ~~7) A proposed self monitoring program⁸⁴ for the proposed discharge. All constituents with concentration limitations shall be monitored at least once per year, beginning with the initial monitoring at the start of the discharge. In general, the monitoring program shall be consistent with Attachment E of~~

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⁸⁴ For new discharges, the monitoring provision in Attachment E of Order R8-2009-003 may be used as a guide.

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~~Order No. R8-2009-0003. Any variations from these requirements should be with the Executive Officer's approval.~~

~~e. The Permittees shall comply with the monitoring and reporting requirements of specified below. The Permittees may amend Section 5 of the DAMP to specify minimum BMPs for Permittee De-minimus discharges less than 25,000 gallons per day for Executive Officer approval in lieu of conducting monitoring.~~

~~d. Compliance determination shall be based on the following:~~

~~If a daily discharge or when the median for multiple sample data of a daily discharge exceeds the maximum daily concentration limit for a given parameter, the Permittee will be considered out of compliance for that parameter for that day only within the reporting period.~~

~~e. Permittee owned and/or operated facilities and activities discharging constituents with concentration limitations specified in Section VI.B of this Order shall be monitored at least once per year. Permittees who are enrolled under the General De Minimus Permit may also continue their existing authorized monitoring programs under this Order.~~

~~f. In the event the Permittee does not comply or will be unable to comply for any reason, with any prohibition, discharge limitation (e.g., maximum daily concentration limit), or Limitation specified in the Regional Board's latest adopted General De Minimus Discharge Permit, the Permittee shall notify the Regional Board consistent with the requirements of Section XVI.A of this Order, unless the Executive Officer waives the written notification requirement. The written notification shall state the nature, time, duration, and cause of noncompliance, and shall describe the measures being taken to remedy the current noncompliance and, prevent recurrence including, where applicable, a schedule of implementation.~~

~~g. Monitoring reports shall be submitted at least annually, and shall include:~~

~~i. The results of all chemical analyses,~~

~~ii. The daily flow data, where applicable~~

~~iii. A summary of the monthly activities including a report detailing compliance or noncompliance, and~~

~~iv. Where the requirements are not met, the monitoring report shall include a statement discussing the reasons for noncompliance, and of the actions undertaken or proposed which will bring the Permittee into full compliance with requirements at the earliest time, and an estimate of the date when the Permittee will be in compliance. The Permittee shall notify the Executive Officer by letter when compliance with the time schedule has been achieved.~~

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~~<#>For a specific constituent, reduction of bi-monthly (every two weeks) monitoring to monthly monitoring can be considered for approval by the Executive Officer when the effluent monitoring data for the last 6 months shows compliance with the effluent limitations. ¶~~

~~<#>For a specific constituent, reduction of monthly monitoring to quarterly monitoring can be considered for approval by the Executive Officer when the effluent monitoring data for the last 6 months shows compliance with the effluent limitations. ¶~~

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- ~~8) The Permittees discharging 150,000 gallons per day or more shall submit semi-annual reports. Where the discharge lasts less than 6 months, a report covering the period of the discharge shall be submitted.~~

XV. TRAINING PROGRAM FOR STORM WATER MANAGERS, PLANNERS, INSPECTORS AND MUNICIPAL CONTRACTORS

~~A. Within 24 months of adoption of this Order, the DAMP and each Permittee's LIP shall shall be updated, to include a program to provide formal and where necessary, informal training to Permittee staff that implement the provisions of this Order. Formal training must be implemented as described herein, and may consist of regional training provided by the Permittees or individual Co-Permittee training provided in-lieu of Principal Permittee training. Informal training (i.e. tailgate training) shall be implemented by each Permittee on an as-needed basis to supplement the formal training. Each Permittee shall maintain a written and/or electronic record of stormwater training provided to its storm water and related program staff.~~

~~B. The training programs should be coordinated with the local Vector Control District to ensure that vector control issues related to post-construction BMPs maintenance and operation are incorporated into the training curriculum.~~

~~C. Formal Training: The formal training programs shall educate Permittee employees responsible for implementing requirements of this Order, by providing training on the following Permittee activities: construction site inspection, WQMP review, residential/industrial/commercial site inspection, and Permittee facility maintenance. Formal training may be conducted in classrooms or using videos, DVDs or other multimedia. The program shall consider all applicable Permittee staff such as, storm water program managers, construction/industrial/ commercial/residential inspectors, planners, engineers, public works crew, etc. and shall: define the required knowledge and competencies for each Permittee Activity, outline the curriculum, include testing or other procedures to determine that the trainees have acquired the requisite knowledge to carry out their duties, and provide proof of completion of training such as Certificate of Completion, and/or attendance sheets. The formal training curriculum shall:~~

- ~~1. Highlight the potential effects that Permittee or Public activities related to their job duties can have on water quality.~~
- ~~2. Overview the principal applicable water quality laws and regulations that are the basis for the requirements in the DAMP.~~
- ~~3. Discuss the provisions of the DAMP that relate to the duties of the target audience, including but not limited to:~~
 - ~~a. The requirements of the DAMP regarding Storm Water Ordinances, resolutions, codes, and standards that relate to the duties of the target audience, including enforcement thereof;~~
 - ~~b. Overview of CEQA requirements contained in Section XII.C of this Order.~~

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c. Implementation and assessment of appropriate pollution prevention plans relative to the duties of the target audience;

d. Selection, implementation and maintenance of appropriate BMPs relative to the duties of the target audience;

e. Tools, checklists and procedures included in the DAMP to assist in implementing the requirements of this Order relative to the duties of the target audience.

D. **Informal Training:** The informal training shall ensure that staff have the requisite knowledge to implement the applicable provisions in the local LIP, such as (but not limited to):

1. The requirements of local Storm Water Ordinances, resolutions, codes, and standards that relate to the duties of the target audience;
2. Local tools, checklists and/or procedures to implement the requirements of this Order relative to the duties of the target audience.
3. The proper use and maintenance of erosion and sediment controls;
4. Vector control issues related to storm water pollution control BMPs.

E. **Reporting:** Formal training shall be summarized and documented in the Annual Reports.

F. **Schedule:** At a minimum, the training schedule should include the following:

1. New Permittee employees responsible for implementing requirements of this Order must receive informal training within six months of hire and formal training within one year of hire.
2. Permittee Facility Maintenance staff must receive formal training at least once every two years.
3. Permittee inspection and code enforcement (if applicable) employees must receive formal or informal refresher training focused on appropriate BMP implementation at least once a year prior to the rainy season.
4. Other existing Permittee employees responsible for implementing the requirements of this Order must receive formal training at least once during the term of this Order.
5. The start date for training programs described in this Section shall be included in the schedule required in Section III.A.1.g, but shall be no later than six months after Executive Officer approval of DAMP updates applicable to the Permittee activities described in Section XV.

G. The Permittees shall require verification of BMP training from contract staff where applicable.

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- H. The Permittee(s) shall include designated Regional Board staff on training notification e-mails announcing upcoming formal training sessions

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XVI. NOTIFICATION REQUIREMENTS

- A. Within 24 hours of discovery, the Permittees shall provide oral or email notification to Regional Board staff of noncompliant sites within its jurisdiction that are determined to be an Emergency Situation. Following oral notification, a written report must be submitted within 10 days of receipt of notice of the Emergency Situation, detailing the nature of the non-compliance, any corrective action taken by the site/facility owner, other relevant information (e.g., past history of the Emergency Situation, environmental damage resulting from the Emergency Situation, site/facility owner responsiveness) and the type of enforcement, consistent with Section 4 of the DAMP, that will be carried out by the Co-Permittee. Further, incidences of noncompliance shall be recorded along with the information noted in the written report and the final outcome/enforcement for the incident in the databases for construction, industrial or commercial inspections, as appropriate.
- B. Notification requirements for non-Emergency Situations that are discovered during the course of Construction Site and Industrial Facility inspections that may be a violation of the General Stormwater Permits are addressed in Sections XI.A.7. of this Order.
- C. Sewage spill notification shall be consistent with the timelines specified in the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003-DWQ.
- D. All reportable quantities of hazardous waste spills as per 40CFR 117 and 302 shall be reported within 24 hours. All spill incidents shall be also included in the annual report. These requirements are consistent with the Notification requirements for IC/IDs that are addressed in Section IX.B of this Order.
- E. Enforcement requirements for facilities operating without an applicable General Stormwater Permit are specified in Section XI.A.7. These facilities shall be reported within 14 calendar days to Regional Board staff by electronic mail or other written means. Permittees' notifications of facilities' failure to obtain required permits under the General Construction Permit, General Industrial Permit, including requirements to file a NOI or No Exposure Certification, Notice of Non-applicability, and/or 401 Certification must include, at a minimum, the following documentation:
1. Name of the facility
 2. Operator of the facility
 3. Owner of the facility
 4. Construction/Commercial/industrial activity being conducted at the facility that is subject to the Construction/Commercial/industrial Permit or 401 Certification

Deleted: <#>conduct and document public employee training for reviewing Project Specific WQMPs ¶
<#>The Permittees shall provide BMP and training information to their contractors to assist them in training their staff. In instances where applicable Permittee operations are performed by contract staff, the Permittees shall require evidence that contract staff have received a level of training equivalent to that listed above.¶

Deleted: <#>The Principal Permittee shall notify

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Deleted: oil spill that could impact wild life, a hazardous substance spill where residents are evacuated, etc.).

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<#>At a minimum, all sewage spills above 1,000 gallons and all reportable quantities of¶

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5. Records of communication with the facility operator regarding the violation, which must include at least an inspection report.

F. The Permittees shall report to the Executive Officer:

1. Any enforcement actions and known discharges of Urban Runoff to MS4 facilities, known to the Permittees, which may have an impact on human health or the environment consistent with Sections XI.A and XI.B above; if the discharge is to Canyon Lake or any tributary to Canyon Lake, Elsinore Valley Municipal Water District shall also be notified immediately; and

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Deleted: impair domestic water supply sources (e.g., discharges due to levee break, illegal discharges to the street, etc.) or which may

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2. Any suspected or reported activities on federal, state, or other entity's land or facilities, where the Permittees do not have any jurisdiction, and where the suspected or reported activities may be contributing Pollutants to waters of the U.S.

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XVII. PROGRAM MANAGEMENT ASSESSMENT/DAMP REVIEW

A. By November 30 of each year, the Permittees shall evaluate the effectiveness of the Urban Runoff management program described in the DAMP to determine the need for any revisions in order to reduce Pollutants in MS4 discharges consistent with the MEP standard consistent with the reporting requirements in Appendix 3, Section IV.B. In addition, the first Annual Report (November 2010), after adoption of this Order shall include the following:

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1. Review of the formal training needs of Permittee employees

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2. Review of coordination meeting/training for the designated NPDES inspectors.

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3. Proposal for assessment of Urban Runoff management program effectiveness on an area wide as well as jurisdiction-specific basis. Permittees shall utilize the CASQA Guidance⁸⁵ for developing these assessment measures at the six outcome levels. The assessment measures must target both water quality outcomes and the results of municipal enforcement activities consistent with the requirements of Appendix 3, Section IV.B.

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B. The Annual Report shall include the findings of this review and a schedule to address necessary revisions, or a copy of the amended DAMP with the proposed changes. Replacement pages are acceptable if modifications are not extensive. Annual Reports shall also be submitted in electronic format.

Deleted: watershed-specific requirements and/or waste load allocations developed and approved pursuant to the TMDL process.

C. Upon the effective date of this Order, the Permittees shall implement the 2007 DAMP and modify it to be consistent with the requirements of this Order, and the schedules contained herein.

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⁸⁵ CASQA, May 2007. Municipal Storm water Program Effectiveness Assessment Guidance.

- D. Each Permittee shall designate at least one representative to the Management Steering Committee and Technical Committee. The Principal Permittee shall be notified immediately, in writing, of changes to the designated representative to either Committee. The designated representative for each Committee shall attend that Committee's meeting as follows: at least one (1) out of two (2) Management Steering Committee meetings and eight (8) out of ten (10) Technical Committee meetings per year to discuss issues related to permit implementation and regional and statewide issues.
- E. The Permittees shall continue to implement all elements of the approved DAMP. Program elements revised in compliance with the requirements of this Order must be implemented in conformance with the schedules specified in this Order following approval of the Executive Officer.

XVIII. FISCAL RESOURCES

- A. Each Permittee shall exercise its full authority to secure the resources necessary to meet the requirements of this Order. This Order may be revised to adjust time schedules to accommodate prioritization of available resources.
- B. The Permittees shall prepare and submit a financial summary to the Executive Officer. The financial summary shall be submitted with the Annual Report each year and shall, at a minimum, include the following:
1. Each Permittee's MS4 Permit compliance expenditures for the previous fiscal year,
 2. Fiscal developments that may impact availability of funding for MS4 Permit compliance program implementation and to achieve the required implementation schedule.
 3. Each Permittee's MS4 Permit compliance program budget for the current fiscal year,
 4. A description of the source of funds to implement the MS4 Permit compliance program, and
 5. Each Permittee's estimated budget to implement the MS4 Permit compliance program for the next fiscal year.

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XIX. MONITORING AND REPORTING PROGRAM

The Permittees must comply with Monitoring and Reporting Program No. R8-2009-0033, Appendix 3, and any revisions thereto, which are hereby made a part of this Order. The Executive Officer is hereby authorized to revise the Monitoring and Reporting Program in a manner consistent with this Order to allow the Permittees to participate in regional, statewide, national or other monitoring and reporting programs in lieu of or in addition to Monitoring and Reporting Program No. R8-2009-0033. In addition, dates for completion

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and implementation of certain program elements and reporting requirements are outlined in the Monitoring and Reporting Program.

XX. PROVISIONS

A. All reports submitted by the Permittees as per the requirements in this Order for the approval of the Executive Officer shall be publicly noticed and made available on the Regional Board's website, or through other means, for public review and comments. The Executive Officer shall consider all comments received prior to approval of the reports. Any unresolved significant issues shall be scheduled for a public hearing at a Regional Board meeting prior to approval by the Executive Officer.

B. Permittees shall demonstrate compliance with all the requirements in this Order and shall implement the DAMP and any modifications, revisions, or amendments thereto, which are developed pursuant to this Order or determined by the Permittees to be necessary to meet the requirements of this Order. The DAMP, including any approved amendments thereto is hereby made an enforceable component of this Order.

C. The Permittees shall implement all elements of the DAMP and its components. Where the dates in the DAMP are different from the corresponding dates in this Order, the dates in this Order shall prevail. Any proposed revisions to the DAMP shall be submitted with the Annual Report for review and approval by the Executive Officer. All approved revisions to the DAMP shall be implemented as per the time schedules approved by the Executive Officer. In addition to those specific controls and actions required by: (1) the terms of this Order and (2) the DAMP and its components, each Permittee shall implement additional controls, if any are necessary, to reduce the discharge of pollutants in Urban Runoff consistent with the MEP standard.

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D. Certain BMPs implemented or required by the Permittees for Urban Runoff management may create habitat for vectors (e.g., mosquitoes and rodents) if not properly designed and maintained. Close collaboration and cooperative effort between the Permittees and local vector control agencies and the State Department of Health Services are necessary to minimize potential vector habitat and public health impacts resulting from vector breeding. Nothing in this Order is intended to prohibit inspection or abatement of vectors by the State or local vector control agencies in accordance with the respective Health and Safety Code.

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E. Upon approval by the Executive Officer all plans, reports and subsequent amendments required by this Order shall be implemented and shall become an enforceable part of this Order. Prior to approval by the Executive Officer, these plans, reports and amendments shall not be considered as an enforceable part of this Order.

F. The permit application and special NPDES program requirements are contained in 40 CFR 122.21 (a), (b), (d)(2), (f), (p); 122.41 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l); and 122.42 (c), and are incorporated into this Order by reference.

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G. The Permittees must comply with all terms, requirements, and conditions of this Order. Any violation of this Order constitutes a violation of the CWA, its regulations and the California Water Code, and is grounds for enforcement action, Order termination, Order revocation and re-issuance, denial of an application for re-issuance, Order revisions, or a combination thereof.

H. Permittees must continue to take reasonable steps to minimize or prevent any discharge to the MS4 that has a reasonable likelihood of adversely affecting human health or the environment.

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I. Regional Board staff, USEPA, and other authorized representatives must be allowed to:

1. Inspect Permittee records associated with compliance of this Order.
2. Access and copy records that are kept under the conditions of this Order.
3. Photograph and inspect any facilities or equipment (including monitoring and control equipment) that are related to or may impact storm water discharge or authorized Non-storm Water discharge.
4. Conduct sampling, and monitoring activities for the purpose of assuring compliance with this Order, or as otherwise authorized by the CWA and/or the Water Code.
5. Review the Permittee's programs and request the Regional Board to authorize modification to Permittee programs to comply with the requirements of this Order.
6. Request copies of data, monitoring reports, and sampling data and copies of the Permittee's conclusions and evaluations of the data.

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Deleted: It must not be a defense for the Permittees in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.¶

¶
<#>Permittees must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittees to achieve compliance with the conditions of this Order.¶

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J. This Order does not convey any property rights or any exclusive privileges.

K. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

L. When Permittees become aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Board, or USEPA, the Permittees must promptly submit such facts or information.

M. All applications, reports, or information submitted to the Regional Water Board, State Board, and/or USEPA are to be signed and certified by either:

1. A principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA)
2. A duly authorized representative of the person in 1, above. A person is a duly authorized representative only if the authorization is made in writing by a person described above;
3. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
4. The written authorization is submitted to the Executive Officer.
5. If an authorization described above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Executive Officer prior to or together with any reports, information, or applications, to be signed by an authorized representative.
6. Any person signing a document described above must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".

XXI. PERMIT MODIFICATION

- A. Following appropriate public notice, and in accordance with 40 CFR 122.41(f), this Order may be modified, revoked or reissued prior to its expiration date for the following reasons:

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1. To address significant changes in conditions identified in the technical reports required by the Regional Board which were unknown at the time of the issuance of this Order;
 2. To incorporate applicable requirements of statewide water quality control plans adopted by the State Water Resources Control Board or any amendments to the Basin Plan (including TMDLS) approved by the Regional Board, the State Board and, if necessary, by the Office of Administrative Law and the USEPA;
 3. To comply with any applicable requirements, guidelines, or regulations issued or approved under the Clean Water Act, if the requirements, guidelines, or regulations contain different conditions or additional requirements than those included in this Order; or,
 4. To incorporate new or revised program elements and compliance schedule(s) necessary to comply with this Order;
- B. The filing of a request by the Permittees for modification, revocation and re-issuance, or termination or a notification of planned changes or anticipated noncompliance does not stay any conditions of this Order.
- C. Pursuant to Section 13228 of the Water Code, the Regional Board may exercise its option for allowing the portion of the City of Murrieta located within the Santa Ana Region to be regulated by the San Diego Regional Water Quality Control Board under its Riverside County MS4 Permit. Similarly, if the San Diego Regional Water Quality Control Board authorizes this Regional Board to exercise authority over the City of Menifee within the portions of the City regulated by the San Diego Regional Water Quality Control Board, this Regional Board will exercise its authority under this Order in those Regions.

Deleted: <#>To incorporate any requirements imposed upon the Permittees through the TMDL process.¶

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Deleted: <#>This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittees for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition.¶
<#>Permittees must furnish to the Regional Board, State Board, or USEPA within a reasonable time, any information which the Regional Board, State Board, or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Permittee must also furnish to the Regional Water Board, State Board, or USEPA copies of records required to be kept by this Order.¶
¶

XXII. PERMIT EXPIRATION AND RENEWAL

- A. This Order expires on December 10, 2014 and the Permittees must file a ROWD no later than 180 days in advance of such expiration date as application for issuance of new waste discharge requirements. The ROWD shall, at a minimum, include the following:
1. Names and mailing address(es) of the primary administrative and technical contacts for the Permittees that operate the MS4;
 2. Any revisions to the DAMP including, but not limited to, all the activities the Permittees propose to undertake during the next permit term, goals and objectives of such activities, an evaluation of the need for additional source control and/or structural BMPs, any proposed pilot studies, etc.;
 3. Changes in land use and/or population including map updates;
 4. Any significant changes to the MS4 including map updates of the MS4; and
 5. An assessment of the overall Urban Runoff management program and its

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effectiveness in meeting Water Quality Standards. If Water Quality Standards are not being met, the ROWD shall include new or revised program elements and compliance schedule(s) necessary to comply with Section VI of this Order.

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B. The ROWD, Annual Reports, and other information submitted under this Order shall be signed by either a principal executive officer or a ranking elected official (40 CFR 122.22(a)(3)) or a duly authorized representative as per 40 CFR 122.22(b).

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C. This Order shall serve as an NPDES Permit pursuant to Section 402(p) of the Clean Water Act, or amendments thereto, and shall become effective ten days after the date of its adoption provided the Regional Administrator of the USEPA has no objections. If the Regional Administrator objects to its issuance, the Permit shall not become effective until such objection is withdrawn.

D. The Regional Board is authorized to enforce the terms of this permit under several provisions of the CWC, including, but not limited to, sections 13385, 13386, and 13387.

E. Order No. R8-2002-0011 is hereby rescinded.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on December 10, 2009.

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Gerard J. Thibeault
Executive Officer

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APPENDIX 1
PERMITTED AREA
ORDER NO. R8-2009-0033

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APPENDIX 2

**OTHER ENTITIES THAT MAY DISCHARGE POLLUTANTS
TO THE MS4**

ORDER NO. R8-2009-0033

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APPENDIX 3

MONITORING AND REPORTING PROGRAM

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APPENDIX 4
GLOSSARY
ORDER NO. R8-2009-0033

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APPENDIX 5

NOTICE OF INTENT AND NOTICE OF TERMINATION

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APPENDIX 6

FACT SHEET

ORDER NO. R8-2009-0033

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APPENDIX 7
NOTICE OF INTENT AND
NOTICE OF TERMINATION
FOR DE-MINIMUS DISCHARGES

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pascal Creek – Reach 21B	801.32, 801.25	INTERMITTENT - AGR, IND, GWR, REC1, REC2, LWARM, WILD
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	Nutrients	Non-point Source	2011 (In Progress)
Canyon Lake	Nutrients	Non-point Source	Approved 2005

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a description of the Co-Permittee's individual programs to implement the DAMP and address:

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all Urban Runoff management program elements as required under this Order, including:

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A procedure for how each program element of the DAMP shall be implemented, including a description of responsible parties. The description shall specifically address:

- Overall program management, including internal reporting requirements and procedures for communication and accountability;

- A summary of fiscal resources available to implement the Urban Runoff program;

- The ordinances, agreements, plans, policies, procedures and tools (e.g. checklists, forms, educational materials, etc.) used to execute the DAMP, including legal authorities and enforcement tools.

- Pertinent data and information regarding the Permittee's compliance programs, including:

 - A description of the Permittee's MS4 facilities;

 - A list of discretionary maps and permits over which the Permittee has the authority to require WQMPs;

 - A list of Permittee facilities and activities that are subject to regulation under this Order;

 - Training logs

 - Hydromodification management tools

 - Interagency or interdepartmental agreements necessary to implement the Permittees Urban Runoff program

 - A list and description of the ordinances, personnel responsible for enforcing the ordinance, plans, policies, procedures, and tools (e.g., checklists, forms, educational materials, LID BMPs, etc.) used to review WQMP, erosion and sediment control plans, grading plans, control measures to reduce and mitigate potential pollutant sources within each Permittee's jurisdiction, etc.

 - The organizational units responsible for implementation of each program element including the interagency or interdepartmental sewer spill response coordination within each Permittee's jurisdiction. Identify the Departments and Sections whose programs may have an impact on water quality and/or quantity (hydrology) (e.g., Public Works, Planning, and Engineering). Identify titles (and current staff holding that position) responsible for Urban Runoff program implementation. Identify the training needs for each position to implement Urban Runoff program;

 - Develop a database for documenting training, inspections, storm drain cleaning and waste characterization of storm drain cleanouts and street sweeping wastes;

Identify enforcement procedures and actions and procedures for tracking return to compliance;

Establish internal reporting requirements to ensure and promote accountability;

Specify the verification procedure(s) and any tools utilized to verify that coverage under the General Construction Permit;

Identify and map in ~~GIS format~~ the natural channels, wetlands, riparian corridors, buffer zones that it will require, conserve and identify conservation and maintenance measures for these features that will be followed. The Watershed Action Plan should include information needed for this effort. This requirement may be met through development of areawide HCOC maps or other joint efforts.

Each Permittee shall include the ordinances, design standards, procedures and other tools it uses to implement green infrastructure/low impact development principles for public and private development projects.

A description of development strategies including incentives for redevelopment, brownfield development, high density, vertical density, mixed use and transit-oriented developments, and water conservation and re-use projects.

Identify landform grading techniques¹, LID techniques and re-vegetation as an alternative to traditional approaches, particularly in areas susceptible to erosion and sediment loss including hillside development projects;

List of project categories over which the Permittee has ministerial authority;

Water Quality Based Effluent Limitations – Total Maximum Daily Loads (TMDLs) (Section VI.C);

Receiving Water Limitations (Section VII.D). To include the pollutant source investigation and control plan required by Section VII.D.1, of this Order;

Legal authority/enforcement (Section VIII)

Illicit Connections/Illegal Discharges (IC/ID); Litter, Debris and Trash Control (Section IX), including related procedures and the staff positions responsible for different components of their IC/ID and IDDE programs.

¹http://www.swrcb.ca.gov/water_issues/programs/nps/encyclopedia/3_2d_const_gradexcv.shtml

Sewage Spills, Infiltration into the MS4 Systems from Leaking Sanitary Sewer Lines, Septic System Failures, and Portable Toilet (Section X)
Include a description of the interagency or interdepartmental sewer spill response coordination within each Permittee's jurisdiction.

Municipal inspection programs(Section XI),

- Maintenance of Construction, Industrial, Commercial, and Post-Construction BMP databases;

- Procedures for incorporating erosion and sediment control BMPs into the permitting of Construction Sites (Section XI.B)

- Implementation of the Residential Program (Section XI.E.)

New Development (Including Significant Redevelopment) (Section XII)

Public education and outreach (Section XIII)

Permittee Facilities and Activities (Section XIV) At a minimum a list of facilities that include the following:

- Parking facilities;

- Fire fighting training facilities;

- Facilities and activities discharging directly to environmentally sensitive areas such as 303(d) listed waterbodies or those with a RARE beneficial use designation;

- Publicly owned treatment works (including water and wastewater treatment plants) and sanitary sewage collection systems;

- Solid waste transfer facilities;

- Land application sites;

- Corporate yards including maintenance and storage yards for materials, waste, equipment and vehicles; and

- Household hazardous waste collection facilities.

- Municipal airfields.

- Parks and recreation facilities.

- Special event venues following special events (festivals, sporting events).

- Other municipal areas and activities that the Permittee determines to be a potential source of pollutants.

Training Program for Storm Water Managers, Planners, Inspectors and Municipal Contractors (Section XV);

Compliance of Permittee Facilities and Activities with the General Construction Permit and De-Minimus Permit (Section XVI)

A procedure for how each program element of the DAMP shall be implemented;
List of project categories over which the Permittee has ministerial

authority;

A list and description of the ordinances, personnel responsible for enforcing the ordinance, plans, policies, procedures, and tools (e.g., checklists, forms, educational materials, LID BMPs, etc.) used to review WQMP, erosion and sediment control plans, grading plans, control measures to reduce and mitigate potential pollutant sources within each Permittee's jurisdiction, etc.

The organizational units responsible for implementation of each program element including the interagency or interdepartmental sewer spill response coordination within each Permittee's jurisdiction. Identify the Departments and Sections whose programs may have an impact on water quality and/or quantity (hydrology) (e.g., Public Works, Planning, and Engineering). Identify titles (and current staff holding that position) responsible for Urban Runoff program implementation. Identify the training needs for each position to implement Urban Runoff program;

Develop a database for documenting training, inspections, storm drain cleaning and waste characterization of storm drain cleanouts and street sweeping wastes;

Identify enforcement procedures and actions and procedures for tracking return to compliance;

Establish internal reporting requirements to ensure and promote accountability;

Specify the verification procedure(s) and any tools utilized to verify that coverage under the General Construction Permit;

Identify and map in GIS format the natural channels, wetlands, riparian corridors, buffer zones that it will require, conserve and and identify conservation and maintenance measures for these features that will be followed. The Watershed Action Plan should include information needed for this effort. This requirement may be met through development of areawide HCOC maps or other joint efforts.

Each Permittee shall include the ordinances, design standards, procedures and other tools it uses to implement green infrastructure/low impact development principles for public and private development projects.

A description of development strategies including incentives for redevelopment, brownfield development, high density, vertical density, mixed use and transit-oriented developments, and water conservation and re-use projects.

Identify landform grading techniques², LID techniques and revegetation as an alternative to traditional approaches, particularly in areas susceptible to erosion and sediment loss including hillside development projects;

Include pollutant source investigation and control plan required by Section VII.D.1, of this Order; and

Describe an adaptive method of evaluation and assessment of program effectiveness for the purpose of identifying program improvements.

The interagency or interdepartmental sewer spill response coordination within each Permittee's jurisdiction shall be described.

The Permittees shall identify in their LIP the staff positions responsible for different components of their IC/ID and IDDE programs.

17. A list of Permittee facilities and activities that are subject to regulation under this Order; At a minimum this list shall include the following:

Parking facilities;

Fire fighting training facilities;

Facilities and activities discharging directly to environmentally sensitive areas such as 303(d) listed waterbodies or those with a RARE beneficial use designation;

Publicly owned treatment works (including water and wastewater treatment plants) and sanitary sewage collection systems;

Solid waste transfer facilities;

Land application sites;

Corporate yards including maintenance and storage yards for materials, waste, equipment and vehicles; and

Household hazardous waste collection facilities.

Municipal airfields.

Parks and recreation facilities.

Special event venues following special events (festivals, sporting events).

Other municipal areas and activities that the Permittee determines to be a potential source of pollutants.

²http://www.swrcb.ca.gov/water_issues/programs/nps/encyclopedia/3_2d_const_gradexcv.shtml

Within 6 months of approval of the LIP template by the Executive Officer, each Permittee shall complete a LIP³, in conformance with the LIP template. The LIP shall be signed by the principal executive officer or ranking elected official or their duly authorized representative pursuant to Section XX.M of this Order..

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that is signed by the City Manager/County Executive Officer or person with the delegated authority over the Permittees facilities, such as the General Manager/Chief Engineer.

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Each Permittee shall annually review

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and evaluate the effectiveness of its Urban Runoff programs

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to determine the need for revisions to its LIP,

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evaluate the effectiveness of its LIP, revise the LIP,

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as necessary, in compliance with Sections VIII.I

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of this Order, and document revisions in the Annual Report.

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annual report. The first revisions to the LIP shall at a minimum include:

A plan and schedule to incorporate control measures necessary to meet Receiving Water Limitations and WLAs

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Each Permittee shall annually review and evaluate the effectiveness of its Urban Runoff programs to determine the need for revisions to its LIP as necessary in compliance with Sections VIII.I., of this Order, and document revisions in the Annual Report.

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illicit connections and illegal discharges

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unless such discharges are either authorized by an NPDES permit, or not prohibited in accordance with Section V, below.

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³ As the Principal Permittee is not a general purpose government, some portions of the NPDES MS4 Program may not be applicable to it. The Principal Permittee should identify the basis for its exclusion from the applicable program elements in the appropriate LIP section.

Non-storm water

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non-storm water

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Consistent with the State Water Resources Control Board's 2004 "Policy for the Implementation and Enforcement of the Nonpoint Source Pollution Control Program," the Regional Board may issue Waste Discharge Requirements for Non-Point Source (NPS) Pollutant discharges, such as agricultural irrigation runoff or return flows that are not subject to NPDES requirements, if identified as a significant source of Pollutants. In addition, if the water quality significance of NPS discharges is not clearly understood, the Regional Board may issue conditional waivers of Waste Discharge Requirements to NPS dischargers, and require monitoring to gather the information necessary to effectively manage these discharges.

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Submit any modifications to the report required by the Executive Officer within 30 days of notification;

Within 30 days following approval by the Executive Officer of the report described above, the Permittees shall revise the DAMP, applicable LIPs, and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required;

Implement the revised DAMP, applicable LIPs and monitoring program in accordance with the approved schedule.

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Address the cause of the impairment or exceedance, and the technical and economic feasibility of control actions available to the Permittees to reduce or eliminate the impairment or exceedance consistent with the MEP standard.

Include a BMP implementation schedule.

Contain a comparative analysis of the Permittees' monitoring data to the applicable water quality objectives specified in Chapter 4 of the Basin Plan.

A status report on the effectiveness of the pollution source investigation and control plan implementation to address exceedance of water quality objectives or elevated pollutant levels above benchmark values may be incorporated in the Annual Report unless the Executive Officer directs a different submittal date. The transmittal letter shall indicate that the Annual Report contains a description of additional BMPs proposed, pollution investigation report, and/or pollution source investigation and control plan.

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If the exceedance is solely due to discharges to the MS4 from activities or areas outside the Permittees jurisdiction or control, the Permittees must, within two (2) working days of becoming aware of the situation, provide oral or e-mail notice to the Executive Officer of the determination of the exceedance and provide written documentation of these discharges to the Executive Officer within ten (10) calendar days of becoming aware of the situation.

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The Executive Officer may by written notice require modifications to the plan and/or report, required by Subsection VII.D.2, above. If required, such modifications must be submitted within thirty (30) calendar days of receipt of said written notice.

Within ninety (90) calendar days following approval by the Executive Officer of the pollutant source investigation and control plan required by Subsection VII.D.2, the Permittees must revise the DAMP and their monitoring and reporting programs to incorporate the approved, modified, or additional BMPs that were implemented.

The revised DAMP and monitoring program are to be implemented in accordance with the proposed schedule, above, until approved or modified by the Executive Officer.

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So long as the Permittees have complied with the procedures set forth above and are implementing the revised LIP, DAMP, and monitoring program, the Permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same Receiving Water Limitation unless the Executive Officer determines it is necessary to develop additional BMPs.

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Control the contribution of Pollutants in discharges of Urban Runoff to the MS4 from sources within its jurisdiction.

Prohibit all Illicit Discharges within and under the Permittee's jurisdiction not otherwise allowed pursuant to Section V;

Prohibit and eliminate Illicit Connections to the Permittees MS4;

Control the discharge of spills, dumping, or disposal of materials other than storm water to the MS4;

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link implementation of their IC/ID and IDDE programs with other Permittee programs and urban watershed protection efforts. These may include: a) use of GIS map of the Permittees' conveyance systems to track sources; b) aerial photography to detect IC/IDs; c) municipal inspection programs of construction, industrial, commercial, storm drain systems, municipal facilities, etc.; d) analysis of watershed monitoring and other indicator data; e) watershed education to educate the public about illegal discharges; f) pollution prevention for generating sites; g) stream restoration efforts/opportunities; and h) rapid assessment of stream corridors to identify dry weather flows and illegal dumping.

The Permittees shall identify in their LIP the staff positions responsible for different components of their IC/ID and IDDE programs.

The Permittees shall

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progress is being made through measurable goals or if implementation strategies need

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that identifies both permitted and status of un-permitted connections resulting from implementation of its

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routine inspections and dry weather

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spills, leaks, and/or illegal dumping

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The Permittees shall annually review their litter/trash control measures to determine the need for any revision. The findings of this review shall be included in the Annual Report.

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The Permittees shall control, to the MEP, the discharge of spills, leaks, or dumping of any materials other than storm water and authorized non-storm water per Section VI, above, into the MS4s. All reports of spills, leaks, and/or illegal dumping shall be promptly investigated and reported as specified under Section XVI.

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The Permittees shall implement management measures and procedures to prevent,

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for Storm Water Discharges Associated with Construction Activities or the California Statewide General NPDES Permit for Storm Water Discharges Associated with Industrial Activities

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The Permittees shall deem facilities operating without a proper permit to be in significant non-compliance. Appropriate enforcement measures shall be implemented including a time schedule to obtain coverage, or suspension of business license until evidence of permit coverage is provided. Non-filers shall be reported within 14 calendar days to the Regional Board by electronic mail or other written means. The Permittees shall specify the non-filer verification and Regional Board notification procedures in their LIP. Notification information shall be consistent with Section XV.

Within 24 months of adoption of this Order, each Permittees shall have its inspection and enforcement information available through an electronic database available to the public. At a minimum, this database should include: the inspection dates, inspectors present, adequacy of site plans, any observed violations, corrective actions required, any enforcement actions and follow-up actions taken by the Permittee, date compliance was achieved, prior history of violations, and any other relevant information.

Permittees shall maintain hard or electronic copies and make available upon request all information related to its inspections, observed violations and enforcement actions including photographs, videotapes, notices of correction or any other enforcement action. This information shall be linked to the electronic database identified in Section X.A.2 above.

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The Permittees' implementation of their construction storm water program shall be consistent with the latest version of the statewide General Construction Permit and the federal effluent guideline limitations, if any. At the time of drafting of this Order, action levels and numeric effluent limits were under consideration as part of the most recent draft of the General Construction Permit and the USEPA has released its draft federal effluent guideline limitations for construction sites.

Should it be determined by the Permittee that any applicable action levels or effluent guideline limitations are exceeded, the Permittee shall require the discharger to immediately implement additional BMPs and revise its ESCP.

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industrial sites for each annual reporting year.

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An integrated watershed management approach may facilitate integration of planning and project approval processes with water quality and quantity control measures. Management of the impacts of Permit Area urbanization on water quality and stream stability is more effectively done on a per-site, neighborhood and municipal basis based on an overall watershed plan. Pending completion of the Watershed Action Plan consistent with this section, management of the impacts of urbanization shall be accomplished using existing programs. The Permittees shall develop a Watershed Action Plan to address the entire Permit Area. The Permittees may choose to develop sub-watershed action plans based on the overall Watershed Action Plan in the future based on new 303(d) impairments, TMDL requirements, or other factors.

The Principal Permittee, in collaboration with the Co-Permittees, shall develop a Watershed Action Plan (WAP) that describes and implements the Permittees' approach to coordinated watershed management. The WAP shall improve coordination of existing programs and identify new and/or enhanced program elements as applicable. The objective of the WAP is to improve integration of water quality, stream protection, storm water management, water conservation and re-use, protection of water resources, including groundwater recharge areas, and flood protection with land use planning and development processes. The WAP shall be developed in two phases:

Phase 1: within 24 months of adoption of this Order, the Principal Permittee, in coordination with the Co-Permittees shall:

Identify program-specific objectives for the WAP; the objectives will include consideration of:

The watershed protection principles specified in Section XI.C.3.a – g, below;

The Permittee's planning and procedure review required in XI.B.2, above;

Potential impediments to implementing watershed protection principles during the planning and development processes, including but not limited to LID principles and management of the impacts of hydromodification;

Impaired waters [CWA § 303(d) listed] with and without approved TMDLs, pollutants causing impairment, monitoring programs for these pollutants, control measures, including any BMPs that the Permittees are currently implementing, and any BMPs the Permittees are proposing to implement. In addition, if a TMDL has been developed and an implementation plan is yet to be developed, the WAP shall specify that the responsible Permittees should develop constituent-specific source control measures, conduct additional monitoring and/or cooperate with the development of an implementation plan, where feasible, and consistent with the MEP standard.

Develop a structure for the WAP that emphasizes coordination of watershed priorities with the Permittees' LIPs via the area wide model LIP;

Identify linkages between the WAP and the SWQSTF, MSWMP, WQMP, the implementation of LID, and the TMDL Implementation Plans;

Identify other relevant existing watershed efforts a(Chino Basin Master Plan, SAWPA's IRWMP, etc., and their role in the WAP;

Ensure that the HCOC Map/Watershed Geodatabase is available to watershed stakeholders via the World Wide Web, and has incorporated the following information:

Delineation of existing unarmored or soft-armored drainages in the permitted area that is vulnerable to geomorphological changes due to hydromodification and those channels and streams that are engineered, hardened, and maintained.

GIS layers for known sensitive species, protected habitat areas, drainage boundaries, and potential storm water recharge areas and/or reservoirs;

303(d)-listed waterbodies and associated pollutants;

Available and relevant regulatory and technical documents accessible via hyperlinks;

Develop a schedule and procedure for maintaining the Watershed Geodatabase, and develop a draft schedule for expected enhancements to increase functionality;

~~Review the Watershed Geodatabase with Regional Board staff from the Storm Water, TMDL, and Watershed Planning/401 Program Sections, and other resource agencies, to verify attributes of the Geodatabase, including drainage feature stability/susceptibility/risk assessments, and the intended use of the Geodatabase to support regulatory processes such as WQMP approvals, 401 Certifications, and LID BMP feasibility evaluations;~~

Identify potential causes of identified stream degradation including a consideration of sediment yield and balance on a watershed or subwatershed basis.

Conduct a system-wide evaluation⁴ to identify opportunities to retrofit existing storm water conveyance systems, parks, and other recreational areas with water quality protection measures, and develop recommendations for specific retrofit studies that incorporates opportunities for addressing applicable TMDL implementation plans, hydromodification management, and/or LID implementation within the permitted area.

Conduct a system wide evaluation to identify opportunities for joint or coordinated development planning to address stream segments vulnerable to hydromodification and coordinated re-development planning to identify restoration opportunities for hardened and engineered streams and channels. The area wide LIP shall identify contributing jurisdictions and the stream segments that will benefit from this coordination.

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Submit the Phase 1 components in a report to the Executive Officer for approval. The submitted Report shall be deemed acceptable to the Regional Board if the Executive Officer raises no written objections within 30 days of submittal.

Phase 2: within 36 months of the approval by the Executive Officer of the Report from Phase 1, above, the Principal Permittee, in coordination with the Co-Permittees, shall:

Contingent upon consensus with Regional Board staff and other resource agencies as described in XI.B.3.a.vii, above, specify procedures and a schedule to integrate the use of the Watershed Geodatabase into the implementation of the DAMP, WQMP, and TMDLs;

Develop and implement a Hydromodification Monitoring Plan (HMP) to evaluate hydromodification impacts for the drainage channels deemed most susceptible to degradation. The HMP will identify sites to be monitored, include an assessment methodology, and required follow-up actions based on

⁴ For example, see the 2005 RBF Retrofit Study conducted for Orange County MS4 permittees.

monitoring results. Where applicable, monitoring sites may be used to evaluate the effectiveness of BMPs in preventing or reducing impacts from hydromodification.

Develop and implement a Hydromodification Management and Restoration Plan prioritized based on drainage feature/susceptibility/risk assessments.

Conduct training workshops in the use of the Watershed Geodatabase. Each Permittee must ensure that their planning and engineering staff attends a workshop.

Conduct demonstration workshops for the Watershed Geodatabase to be attended by appropriate upper-level managers and directors from each Permittee.

Develop recommendations for streamlining regulatory agency approval of regional treatment control BMPs. The recommendations should include information needed to be submitted to the Regional Board for approval of regional treatment control BMPs. At a minimum, this information should include: BMP location; type and effectiveness in removing pollutants of concern; projects tributary to the regional treatment system; engineering design details; funding sources for construction, operation and maintenance; and parties responsible for monitoring effectiveness, operation and maintenance. The Permittees are encouraged to collaborate and work with other counties to facilitate and coordinate these recommendations.

Implement applicable retrofit or regional treatment recommendations from the evaluation conducted in Section 3.a.viii, above.

Submit the Phase 2 components in a report to the Executive Officer. The submitted report shall be deemed acceptable to the Regional Board if the Executive Officer raises no written objections within 30 days of submittal.

Within four years of adoption of this Order, each Permittee shall review the watershed protection principles and policies in its General Plan or related documents (such as Development Standards, Zoning Codes, Conditions of Approval, Development Project Guidance) to determine consistency with the Watershed Action Plan. Each Permittee shall report the findings in the annual report along with a schedule for any necessary revision.

~~The Watershed Action Plan should specify hydromodification management standards for each sub-watershed and provide assessment tools.~~

~~Incorporate low impact development techniques, Smart Growth principles⁵, New Urbanism⁶, urban runoff capture, treatment, and re-use, water conservation principles in landscape choices and design, preservation of existing unarmored or soft-armored drainages and flood plains, and implementation tools and standards.~~

~~Include development strategies that provide incentives for redevelopment, brownfield development, high density, vertical density, mixed use and transit-oriented development, and water conservation and re-use projects.~~

~~Specify control measures, for highly developed areas to prevent further degradation and restore functionality of streams consistent with the maximum extent practicable standard.~~

~~Specify development strategies that provide incentives for redevelopment, brownfield development, high density, vertical density, mixed use and transit-oriented development, and water conservation and re-use.~~

~~Includes effectiveness tools to determine the effectiveness of the strategies in minimizing the impacts on hydromodification and water quality.~~

~~Specify common development standards, zoning codes, conditions of approval and other principles and policies necessary for water quality protection.~~

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~~. In addition, if a TMDL has been developed and an implementation plan is yet to be developed, the DAMP shall specify that the responsible Permittees develop constituent specific source control measures, conduct additional monitoring and/or cooperate with the development of an implementation plan as required by the RWQCB.~~

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~~planning for water quality/quantity that includes Urban Runoff management, stream channel and hydromodification management by developing~~

⁵ Smart Growth refers to the use of creative strategies to develop ways that preserve natural lands and critical environmental areas, protect water and air quality, and reuse already-developed land.

⁶ New Urbanism is somewhat similar to Smart Growth and is based on principles of planning and architecture that work together to create human-scale, walkable communities that preserve natural resources.

hydromodification.

~~Specify monitoring requirements for hydromodification and water quality to evaluate the effectiveness of the control measures contained in the Watershed Action Plan.~~

~~Invite participation and comments~~

~~water and utility agencies, state and federal agencies, non-governmental organizations and other interested parties in the development of the Watershed Action Plan for incorporation into the appropriate section of the DAMP.~~

401 certification for a project should be identified early in the CEQA review, if appropriate, to enable coordination with Regional Board 401 staff. The preliminary WQMP should identify the need for any CWA Section 401 certification. The CEQA document preparation processes should be revised to consider any significant short and long term adverse impacts that the project may have on urban storm water runoff quality and quantity and shall specify measures that must be implemented to avoid or mitigate those impacts, where feasible. If the proposed mitigation measures include structural treatment control system, then the CEQA document shall identify the responsible parties for the long term operation and maintenance activities and the funding mechanism.

The following potential impacts shall be considered during CEQA review:

Potential impact of project construction on

storm water runoff.

Potential impact

project's post-construction activity on storm water runoff.

Potential for discharge of pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas.

Potential for changes in Urban Runoff quality and quantity that could have an impact on stream channels and the Beneficial Uses of the Receiving Waters.

Potential for significant changes in the flow velocity and/or volume of Urban Runoff that could cause environmental harm.

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Potential for significant increases in erosion of the project site or surrounding areas.

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Identify and recommend solutions to eliminate barriers to implementation of the watershed protection principles and policies, including but not limited to the low impact development principles (LID) and management of hydrologic conditions of concern in Section E, below.

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The watershed protection principles and policies include the following:

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and where possible, create or restore areas that provide important water quality benefits, such as

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New Development treatment control BMP requirements are met if, for a common plan of development, BMPs are constructed with the requisite capacity to serve the entire common project, even if certain phases of the common project may not have BMP capacity located on that phase in accordance with the requirements specified above. All structural treatment control BMPs should be located as close as possible to the Pollutant sources, should not be located within Waters of the U.S., and Pollutant removal should be accomplished prior to discharge to Waters of the U.S. Regional treatment control BMPs shall be completed and operational prior to occupation of any of the priority project sites tributary to the regional treatment control BMP.

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The Permittees shall review and revise, as necessary, Sections 5, 6 and 7 of the DAMP and/or the WQMP in order to develop and implement new or enhanced BMPs that reduce pollutants in Urban Runoff from commercial and industrial sites both during and after site construction. Appropriate BMPs shall be required for industrial/commercial land uses that are identified during the land use approval process. For industrial/commercial land uses that are identified subsequent to the issuance of a discretionary map or permit approval, appropriate BMPs shall be addressed through Section 6 of the DAMP. At a minimum, the WQMP or specific plan for the commercial/industrial land use sites shall address:

The identification of those characteristics of the development of a commercial or industrial site that are likely to be a source of Pollutants in Urban Runoff that should be addressed during the land use approval process, and

The identification of regional or sub-regional Urban Runoff treatment/infiltration BMPs that would address post-construction Urban Runoff issues.

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document, via a modified WQMP or a similar mechanism, site design, source control

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To protect groundwater resources any structural infiltration BMPs shall meet the following minimum requirements:

Use of structural infiltration treatment BMPs shall not cause or contribute to an exceedance of groundwater Water Quality Objectives.

Source control and pollution prevention control BMPs shall be implemented to protect groundwater quality. The need for sedimentation or filtration should be evaluated prior to infiltration.

Adequate pretreatment of runoff prior to infiltration shall be required in gas stations and large commercial parking lots.

Structural infiltration treatment BMPs shall not be used in industrial areas that have exposure of equipment process and materials and/ or high vehicular traffic areas (25,000 or greater average daily traffic) .

Structural infiltration treatment BMPs shall not be used in automotive repair shops, car washes, nurseries or any other high threat to water quality land uses or activities.

Infiltration systems must not be used in areas of industrial or light industrial activity, areas subject to high vehicular traffic (25,000 or more daily average traffic); automotive repair shops; car washes; fleet storage areas; nurseries; or any other high threat to water quality or activities⁷.

⁷ This restriction applies only to sites that are known to have soil and/or groundwater water contamination. Recent studies by the Los Angeles and San Gabriel Watershed Council of Storm

Infiltration systems must be located at least 100 feet horizontally from any water supply well.

The vertical distance from the bottom of any infiltration Treatment Control

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BMP to the historic high groundwater mark shall be at least 10 feet. Where the groundwater basins do not support Beneficial Uses,

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this vertical distance criteria may be reduced, provided groundwater quality is maintained.

Infiltration Treatment Control

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maximum extent practicable

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runoff

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site design

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All infiltration activities

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be coordinated

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, such as the Inland Empire Utilities Agency, Water Districts, etc.;

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Water Recharge has shown that there is no statistically significant degradation of groundwater quality from the infiltration of storm water-borne constituents.

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8. The Permittees shall reflect in the Water Quality Management Plan Guidance and Template and require each priority development project to infiltrate, harvest and re-use, evapotranspire, or bio-treat⁸ the 85th percentile storm event (“

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”), as

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XI.D.5.I.1, above. Any portion of the design capture volume

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infiltrated, harvested and re-used, evapotranspired or bio-treated⁹

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by LID BMPs shall be treated and discharged in accordance with the requirements set forth in Section XI.E.8 and/or Section XI.F, below.

Within twelve months of adoption of this Order, the Permittees shall review and update the Water Quality Management Plan Guidance and Template to incorporate LID principles and to address the impact of urbanization on downstream hydrology. At a minimum, the following elements shall be included during the update:

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Review and update the menu of site design BMPs to include any LID BMP that is currently not

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⁸ A properly engineered and maintained bio-treatment system may be considered only if infiltration, harvesting and reuse and evapotranspiration cannot be feasibly implemented at a project site (feasibility criteria will be established in the WQMP [Section XI.E.6] and the technically-based feasibility criteria [Section XI.E.6.a.vi]). Specific design, operation and maintenance criteria for bio-treatment systems shall be part of the model WQMP that will be produced by the permittees.

⁹For all references to bio-treat/bio-treatment, see footnote 85.

Include as a reference for design and installation of LID BMPs the *LID Guidance Manual for Southern California* developed by the Southern California Coastal Water Research Project upon its completion.

Techniques or specifications to minimize soil compaction in areas designated for site design BMPs, especially infiltration.

Review and update design, installation and test specifications for retention BMPs to prevent unwanted ponding.

Develop and utilize a credit system¹⁰ for

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site design BMPs.

Within 12 months of adoption of this Order the Principal Permittee shall establish technically-based feasibility criteria for project evaluation to determine the feasibility of implementing LID. Collaboration with Orange County and San Bernardino County Permittees is encouraged in the development of these criteria.

Develop in lieu programs for projects seeking a waiver of LID BMPs.

Source Control BMPs:

Review and update the menu of source control BMPs.

Include design and installation standards for each structural source control BMP.

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Update the list of treatment control BMPs, including an evaluation of their effectiveness based on national, statewide or regional studies.

Prioritize treatment control BMPs based on their effectiveness in pollutant removal and require project proponents to select the most appropriate BMPs.

Include design and installation standards for each treatment control BMP.

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priority

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hydrologic condition

¹⁰ See sample credit calculation in the draft statewide construction permit.

http://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/constpermits/draft/draftconst_att_f.xls

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it causes no adverse downstream impacts on the physical structure,
aquatic and riparian habitats and

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affected. This exemption is only applicable to conveyance channels
that have been fully and properly approved (including CEQA
review, and permitted by U.S. Army Corps of Engineers, Regional
Board, and California Department of Fish and Game) by
September 1, 2004.

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, 24-hour peak flow rates and 100-year

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(Appendix O of the DAMP).

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vi)

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following:

- 1) Evaluation of the project's potential to cause a HCOC including the
project's

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's potential to cause HCOC, then, the project

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by implementing item a, b, c or d, below.

- a) Require additional onsite or offsite mitigation to address potential erosion or habitat impact using LID BMPs.
- b) Require in-stream controls¹¹ to mitigate the impacts.

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inspections, the site should be referred to the local vector control agency. Each Permittee should work with the vector agency to remedy the problems associated with vectors.

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he Principal Permittee, in cooperation with the Co-Permittees, shall develop standard design and post-development BMP guidance to be incorporated into projects for public streets, roads, highways, and freeway improvements, for public street, road highway or freeway projects to reduce the discharge of Pollutants from the projects to the MEP. ~~The draft guidance shall be submitted to the Executive Officer for review and approval and shall meet the performance standards for site design/LID BMPs, source control and treatment control BMPs as well as the HCOC criteria.~~ The guidance and BMPs shall address any paved surface used for transportation of automobiles, trucks, motorcycles, and other vehicles, and excludes routine road maintenance activities and where the surface footprint is not increased

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those paved surface areas already tributary to an existing and maintained BMP.

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The guidance shall incorporate principles contained in the USEPA guidance, "Managing Wet Weather with Green Infrastructure: Green Streets" to the maximum extent practicable ~~and at a minimum shall~~ include the following:

- Guidance specific to new road projects.
- Guidance specific to projects for existing roads;
- Size or impervious area criteria that trigger project coverage;
- Preference for green infrastructure approaches wherever feasible; and
- Criteria for design and BMP feasibility analyses on a project specific basis.
- Should evaluate potential for infiltrating design capture volume and mitigating any HCOC.

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~~For a specific constituent, reduction of weekly monitoring to bi-monthly (every two weeks) monitoring can be considered for approval by the Executive Officer when the effluent monitoring data for the last 3 months shows compliance with the effluent limitations.~~

¹¹ In-stream measures involve modifying the receiving stream channel slope and geometry so that the stream can convey the new flow regime without increasing the potential for erosion and aggradation. In-stream measures are intended to improve long-term channel stability and prevent erosion by reducing the erosive forces imposed on the channel boundary.

~~For a specific constituent, reduction of bi-monthly (every two weeks) monitoring to monthly monitoring can be considered for approval by the Executive Officer when the effluent monitoring data for the last 6 months shows compliance with the effluent limitations.~~

~~For a specific constituent, reduction of monthly monitoring to quarterly monitoring can be considered for approval by the Executive Officer when the effluent monitoring data for the last 12 months show compliance with the effluent limitations.~~

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~~Executive Officer by telephone (951) 782-4130 within 24 hours~~

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~~such noncompliance that may endanger public health or the environment, and shall confirm~~

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The curriculum content shall address:

Applicable water quality laws and regulations as they apply to construction and grading activities, industrial and commercial activities;

potential effects of construction, industrial and commercial activities and urbanization on water quality;

implementation and maintenance of erosion and sediment control BMPs and pollution prevention measures;

proper use and maintenance of erosion and sediment controls; erosion and sediment control ordinances; the provisions of the General Construction Permit, the General Industrial Permit, General De-Minimus Permit and any other permit issued within the Permitted area by the State or Regional Board that is appropriate due to the relationship of the permit provisions to the duties of the target audience;

enforcement protocols and methods established in the DAMP, the Municipal Facilities Strategy and Enforcement Compliance Strategy, and ID/IC Elimination Program.

Local Implementation Plan, Water Quality Management Plan, including Low Impact Development Principles and Hydrologic Conditions of Concern as they apply to the MS4 permit.,

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for each category of trainees (

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at the end of the training program

that relate to the duties of the target audience;

All reports submitted by the Permittees as per the requirements in this Order for the approval of the Executive Officer shall be publicly noticed and made available on the Regional Board's website, or through other means, for public review and comments. The Executive Officer shall consider all comments received prior to approval of the reports. Any unresolved issue shall be schedule for a public hearing at a Regional Board meeting prior to approval of the Executive Officer.

As specified in Section XI.A.3, the Permittees shall deem facilities operating without a proper permit to be in significant non-compliance.